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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, giver of every good gift for our growth as Your people, we ask for health and strength only that we may serve You. You alone know what is good for us. Therefore, grant us only what is best for us. We have no other purpose than to spend our days seeking and doing Your will.

We acknowledge our utter dependence on You. All that we have and are we have received from You. You sustain us day by day and moment by moment. We deliberately empty our minds and our hearts of anything that does not glorify You. We release to You any pride, self-serving attitudes, or willfulness that may have been harbored in our hearts. We ask You to take from us anything that makes it difficult not only to love but to like certain people. May our relationships reflect Your initiative, love, and forgiveness.

We commit to You the work of this day. Fill this Chamber with Your presence and each Senator with Your power so that whatever is planned or proposed may bring our Nation closer to Your righteousness in every aspect of our society. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will resume consideration of the CBI/African trade bill. Amendments to the bill are expected to be offered during the postcloture debate, and therefore Senators can expect votes throughout the day. The Senate may also begin consideration of the conference report to accompany the financial services modernization bill during today's session of the Senate. It is hoped the Senate can complete action on the African trade bill and the financial services conference report by tomorrow's session. It is also still possible an agreement can be reached regarding the bankruptcy reform bill so the Senate can consider that legislation prior to the impending adjournment.

I thank my colleagues for their attention.

MEASURE PLACED ON THE CALENDAR

Mr. ALLARD. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will now read the bill for the second time.

The bill clerk read as follows:

A bill (H.R. 1883) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services or technology, and for other purposes.

Mr. ALLARD. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. Under the rule, the bill will be placed on the calendar.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

AFRICAN GROWTH AND OPPORTUNITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 434, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa.

Pending:

Lott (for Roth/Moynihan) amendment No. 2325, in the nature of a substitute.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

AMENDMENT NO. 2360

(Purpose: To establish trade negotiating objectives for the United States for the next round of World Trade Organization negotiations that enhance the competitiveness of the United Stated agriculture, spur economic growth, increase farm income, and produce full employment in the United States agricultural sector)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. GRASSLEY, proposes an amendment numbered 2360.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. AGRICULTURE TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) United States agriculture contributes positively to the United States balance of trade and United States agricultural exports support in excess of 1,000,000 United States jobs;

(2) United States agriculture competes successfully worldwide despite the fact that United States producers are at a competitive disadvantage because of the trade distorting support and subsidy practices of other countries and despite the fact that significant tariff and nontariff barriers exist to United States exports; and

(3) a successful conclusion of the next round of World Trade Organization negotiations is critically important to the United States agricultural sector.

(b) OBJECTIVES.—The agricultural trade negotiating objectives of the United States with respect to the World Trade Organization negotiations include—

(1) immediately eliminating all export subsidies worldwide while maintaining bona fide food aid and preserving United States market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(2) leveling the playing field for United States producers of agricultural products by eliminating blue box subsidies and disciplining domestic supports in a way that forces producers to face world prices on all production in excess of domestic food security needs while allowing the preservation of non-trade distorting programs to support family farms and rural communities;

(3) disciplining state trading enterprises by insisting on transparency and banning discriminatory pricing practices that amount to de facto export subsidies so that the enterprises do not (except in cases of bona fide food aid) sell in foreign markets at prices below domestic market prices or prices below the full costs of acquiring and delivering agricultural products to the foreign markets;

(4) insisting that the Sanitary and Phytosanitary Accord agreed to in the Uruguay Round applies to new technologies, including biotechnology, and clarifying that labeling requirements to allow consumers to make choices regarding biotechnology products or other regulatory requirements cannot be used as disguised barriers to trade;

(5) increasing opportunities for United States exports of agricultural products by first reducing tariff and nontariff barriers to trade to the same or lower levels than exist in the United States and then eliminating barriers, such as—

(A) restrictive or trade distorting practices that adversely impact perishable or cyclical products;

(B) restrictive rules in the administration of tariff-rate quotas; and

(C) unjustified sanitary and phytosanitary restrictions or other unjustified technical barriers to agricultural trade;

(6) encouraging government policies that avoid price-depressing surpluses; and

(7) strengthening dispute settlement procedures so that countries cannot maintain unjustified restrictions on United States exports in contravention of their commitments.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION BEFORE OFFER MADE.—Before the United States Trade Representative negotiates a trade agreement that would reduce tariffs on agricultural products or require a change in United States agricultural law, the United States Trade Representative shall consult with the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate and the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives.

(2) CONSULTATION BEFORE AGREEMENT INITIALED.—Not less than 48 hours before initialing an agreement relating to agricultural trade negotiated under the auspices of the World Trade Organization, the United States Trade Representative shall consult closely with the committees referred to in paragraph (1) regarding—

(A) the details of the agreement;

(B) the potential impact of the agreement on United States agricultural producers; and

(C) any changes in United States law necessary to implement the agreement.

(3) NO SECRET SIDE DEALS.—Any agreement or other understanding (whether verbal or in writing) that relates to agricultural trade that is not disclosed to the Congress before legislation implementing a trade agreement is introduced in either house of Congress shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) reaching a successful agreement on agriculture should be the top priority of United States negotiators; and

(2) if the primary competitors of the United States do not reduce their trade distorting domestic supports and export subsidies in accordance with the negotiating objectives expressed in this section, the United States should increase its support and subsidy levels to level the playing field in order to improve United States farm income and to encourage United States competitors to eliminate export subsidies and domestic supports that are harmful to United States farmers and ranchers.

Mr. CONRAD. Mr. President, the amendment Senator GRASSLEY and I are offering is to set the negotiating objectives for agriculture for our trade negotiators at the next round of trade talks. I don't think anybody in this Chamber appreciates any more than the current occupant of the chair how serious the crisis in agriculture is in our part of the country. We have seen what I call a triple whammy to American agricultural producers: bad prices, bad weather, and bad policy. That triple whammy has threatened literally tens of thousands of farm families.

Certainly, in my State, where we had a special crisis team at USDA analyze the circumstances when the Secretary of Agriculture was coming to North Dakota a year ago, that team said that if something dramatic did not happen in the next 2 years, we would lose 30 percent—and perhaps more—of the farm families in North Dakota. That is how serious the circumstances are.

I will put up a couple of charts to demonstrate the problem we face.

The key determinant to farm income is farm prices. Farm prices, as this chart shows, are at a 53-year low in real terms. This chart depicts wheat and barley prices from 1946 to 1999, and it shows these prices in constant dollars. So we are comparing apples to apples. What one can see is that prices have had a long-term downward trend over this 53-year period, with one major interruption that occurred back in the 1970s. I think we all recall those times, when we saw a tremendous spike in virtually all commodity prices. But over the long term, when we compare on a fair basis, what we see is constantly declining prices, and we see now the lowest prices in 53 years in real terms. That is why we see so many serious concerns in farm country about what the future holds.

This chart represents a little different way of looking at what faces our producers because this looks at not only the prices farmers receive—that is the red line—but also what the farmers are paying for the inputs to produce their crops. This looks at over a 10-year period. One can see that the prices farmers are paying for their inputs have escalated rather dramatically during this 10-year period. That is not true about the prices farmers are receiving. Those prices peaked at the time we were discussing the last farm bill, in 1996.

It was very interesting that, at the time we were told farmers were going to have a remarkable situation—they were faced with what we were told at the time was permanently high farm prices because of export demand—those permanently high prices lasted about 90 days. That was just about the time we were passing the last farm bill. After that, prices collapsed and collapsed on a continuous basis. We have had nothing but one way for prices, and that is down, down, down. That is the reason we have seen a collapse of farm income.

This chart is another way of looking at what is happening. This shows a comparison of the prices farmers receive—the red line—to the cost of their production, which is the green line. This is for wheat. Wheat is the dominant commodity in my State. You can see the cost of production is about $5 a bushel. But ever since the last farm bill passed, we have been well below the cost of production. In fact, now we are down to about $2.50, $2.60, $2.70 a bushel, depending on the day and market conditions at the time—far below the cost of production. This is what is undermining financial security for American producers.

It is not just wheat. If I had put up the chart on corn, or barley, or on virtually any commodity, one would see the same pattern. It is not just in crops; it is also in livestock. Last year, we saw hogs go down to 8 cents a

pound. It costs 40 cents a pound to produce a hog. So this combination of high input costs for farmers yet low prices for what they sell has put farmers in a cost/price squeeze. That squeeze is getting tighter and tighter. It is eliminating farm income.

That is why this next round of trade talks is so critically important because, very frankly, we have been playing a losing hand in agriculture. I think anybody who has really studied the matter understands that our chief competitors—the Europeans—are outspending us, outhustling us, and, as a result, they are winning markets all across the world that were once ours.

If we just pierce the veil here and look below the surface, I think what we see is very revealing. This shows what Europe has been doing in terms of agricultural support over the last 3 years; that is the red box. That is what Europe is spending per year, the average for the last 3 years. The blue box is what the United States is spending under the last farm bill. You can see that the disparity is enormous. The Europeans are spending $44 billion a year, on average; the United States, under the terms of the last farm bill, is spending $6 billion a year—a 7-to-1 disparity.

It is very hard to be successful or to have a level playing field when the opponents are outspending you 7-to-1. We would never permit this in a military confrontation. Why we permit it in a trade confrontation eludes me. It is a guaranteed path to disaster. That is precisely what has happened.

If we look at this in a somewhat different way, if we look at it in terms of export subsidy for agricultural commodities, and we look at various regions of the world, we see another interesting picture emerge. This shows in the last year for which we have full figures, 1996, who was doing what with respect to agricultural trade subsidy. There are our European friends again. They are the blue hunk of the pie; 83.5 percent of all world agricultural export subsidy belongs to the Europeans. Here is the U.S. share, at 1.4 percent, this little piece of the pie right here.

I know a lot of my colleagues think we are spending too much on agriculture. I hear it all the time from some of our colleagues from more urban areas.

I say to them that you have to look at what is happening in the rest of the world. You have to look at what our competitors are doing. If you look at what our competitors are doing, it is dramatic and it is clear.

Here are the Europeans. Nearly 84 percent of all world agricultural export subsidy is accounted for by the Europeans. The United States is 1.4 percent.

These aren't KENT CONRAD's figures. These aren't the figures from the Governor of North Dakota. These aren't figures from the agriculture commissioner of North Dakota. These are the statistics from the U.S. Department of Agriculture. They show Europe is outspending us on agricultural export subsidies by 60 to 1. How are you going to win a fight when you are outgunned 60 to 1? This is totally unfair to our farmers. They don't have a level playing field from which to compete. They have a playing field that is totally distorted. We have to change this playing field. We have to level it out. We have to make it possible for our farmers to compete fairly.

We are willing to compete against anybody at any time. But it is not fair to say to our farmers: You go out there and take on the French and German farmers, and while you are at it, take on the French and German Governments as well. That isn't a fair fight.

We shouldn't abandon our farmers to that kind of circumstance. But that is precisely what we have done because in the last farm bill we cut our support to producers in half. Under the previous farm bill, we were spending, on average, $10 billion a year to support our producers in the face of the competition from the Europeans who were spending $50 billion a year during that period.

What did we decide to do? Did we decide to level the playing field? No. We engaged in unilateral disarmament on the pretext that if we cut somehow we would set a good example for the Europeans and they would follow right along.

Guess what. We cut our support in half for agricultural producers under the new farm bill, down to $5 billion a year on average. What did the Europeans do? Did they follow suit? Did they take our ''good example''? I put that in quotes, our ''good example.'' No. The Europeans kept right on spending.

Do you know why? Because they have a strategy and they have a plan. Their strategy and plan is to dominate world agricultural trade. They are doing it the old-fashioned way. They are buying these markets.

I have spent a good deal of time talking to the European negotiators. What they have shared with me is as clear as it can be. They have said to me: Senator, we believe we are in a trade war with the United States on agriculture. We believe at some point there will be a cease-fire in this trade war. We believe there will be a cease-fire in place, and we want to occupy the high ground. The high ground in this contest is world market share. That is exactly the strategy and plan of our European friends.

They have said to me: You know, Senator, we have much higher levels of support in our country than you have in yours, and we believe in all of these negotiations instead of leveling the playing field, and instead of closing the gap, that we will be able to secure equal percentage reductions in the level of support on both sides.

If you think about it, they have much higher levels of support in Europe, as I have demonstrated, than we do in this country. They seek to get equal percentage reductions from those unequal bases leaving Europe always on top. That is their strategy. That is their plan. Oh, how well it is working.

In the last trade talks, although the levels of support were dramatically uneven, was there any closing of the gap? Not at all, not any closing of the gap. They didn't come down. We didn't go up. Both of us did not engage in a pattern and practice that would narrow the differences. Instead, what they won were equal percentage reductions from those unequal bases maintaining European dominance.

If we let that happen again, shame on us, because we will be consigning our farmers to the dustbin of financial failure. There is no other way this can come out. That is going to be the absolute assured result if we come back with another failed negotiation.

Some people blame our negotiators. I personally do not. I blame us because we have sent unarmed negotiators to the negotiations.

In my previous job, mostly what I did was negotiate. One thing I learned very early on in my previous life was that you don't win in negotiation unless you have leverage. You have to have leverage in order to prevail in a negotiation.

Our negotiators have no leverage. What leverage do they conceivably have when we send them in there and the other side is outgunning us on export subsidies 60 to 1? How are they going to win a negotiation with that sort of fact? How are they going to win when Europe has 84 percent of the world's export subsidy and we have 1.4 percent? How are we possibly going to prevail in that kind of negotiating climate? I say there is very little chance that we are.

That is why I have introduced the FITEA bill, Farm Income and Trade Equity Act, to try to level the playing field, to rearm our negotiators to give us a chance to prevail in these negotiations.

That bill is gaining steam. It has gotten broad support in my own home State of North Dakota. I believe it is going to get even greater support around the country.

Earlier this week, I went to meet in Baltimore with the State presidents of the National Farmers Union. I gave them an outline of the FITEA plan. I hope they will endorse it.

The national rural electric service areas have before them at their regional meetings opportunities to endorse the FITEA plan. It has already been endorsed by eight or nine of the national rural electric service areas.

We have to give our negotiators leverage. But at the same time we have to also give them instructions. We have to tell them what their negotiating objectives are in this next round of trade talks. It is our responsibility. We can't leave it to the President. Certainly, it is his obligation as well. But Congress has a role to play. I believe we ought to take the opportunity to send a clear

message to our trade ambassador and her assistants as to what their negotiating objectives are with respect to agriculture.

That is what we have before us in the amendment offered on a bipartisan basis by Senator GRASSLEY of Iowa and myself. Senator GRASSLEY and I serve on both the Agriculture Committee and the Finance Committee. We have a special responsibility. We have taken it seriously. That is why we have come forward with a set of negotiating objectives for our trade ambassador in this next round of trade talks.

This amendment sets out seven principal negotiating objectives for agriculture:

No. 1, we should insist on the immediate elimination of all export subsidy programs worldwide. The elimination of all export subsidies worldwide should be the negotiating objective.

No. 2, we should insist that the European Union and others adopt domestic farm policies that force their producers to face world market prices at the margin so they do not produce more than is needed for their own domestic markets.

It is one thing for a country to adopt domestic policy that supports higher prices to meet domestic demand. It is quite another thing for them to have higher prices domestically and, therefore, develop greater production than they need for the domestic market and then dump that surplus on the world market at fire sale prices depressing prices for everyone.

Objective No. 2 is to insist that the E.U. and others adopt domestic farm policies that force their producers to face world prices at the margin.

No. 3, we should insist that State trading enterprises, such as the Canadian Wheat Board, are disciplined so that their actions are transparent and so they do not provide de facto export subsidies.

Sometimes we fool ourselves with our own rhetoric around here. We talk about free markets. Many are strong supporters of free markets. In agriculture, there are no free markets. We can see, through what the Europeans are doing and spending to buy these markets, that we are not dealing in a free-market circumstance in world agricultural trade.

We are certainly not dealing with it with respect to our neighbors to the north in Canada. There, individual farmers don't market their commodities; they have a wheat board that markets for them. A very significant portion of production goes to the wheat board, and they market on behalf of all of their farmers. Does anyone think that gives them all kinds of opportunities to play games in world markets? Absolutely, because the prices they charge are not transparent. Anyone can learn our prices any minute of any day by going to the Chicago Board of Trade and seeing what commodities are selling for. Try to find out what our friends to the north are selling for. They don't have a transparent market. They are not advertising their prices, except to the major buyers in the world. The few times we have a glimpse of what they are doing, we find they go to buyers before other countries and say: Whatever the United States is selling for, we are selling for 5 cents less a bushel. That is what they are doing in order to take markets that have traditionally been ours. We have to wake up and smell the coffee.

No. 4, we should insist on the use of sound science when it comes to sanitary and phytosanitary restrictions. Too often, these are hidden protectionist trade barriers. On genetically modified organisms, we should insist foreign markets be open to our products, but obviously we can't force consumers to buy what they don't want. We have to give consumers the ability to make an informed choice on whether they want to buy these products without letting inflammatory labels be used as hidden trade barriers.

No. 5, we should insist our trading partners immediately reduce their tariffs on our agricultural exports to levels no higher than ours, and then further reduce these barriers on a cooperative and comprehensive basis.

No. 6, we should seek cooperative agricultural policies to avoid price-depressing surpluses or food shortages. My own long-term view for agriculture is, we desperately need to have among the major producers a common set-aside policy, a common conservation reserve policy, and a common food reserve policy.

No. 7, we should strengthen disputes settlement and enforce existing commitments. The United States honors its international obligations, but all too often our trading partners refuse to live up to their commitments and use the dispute settlement process to delay our efforts to call them to account. That is totally unacceptable, and we need to send that message very clearly.

These are the seven principles we believe we should send as an instruction to our trade ambassador. We should say very clearly that we believe these are the things they need to accomplish in this next round of trade talks. I also think we should say: Don't bring back under any circumstances equal percentage reductions in support from these unequal bases. Don't do that. That way lies permanent inferiority in the position of world agricultural trade. If we want to fritter away our long-term dominance, that is the path for such a result.

I urge my colleagues to give very careful consideration to this amendment. Senator GRASSLEY and I have worked in a bipartisan way in consultation with other colleagues. We believe these are the appropriate negotiating objectives for our trade representatives in the agricultural sector.

Let me end where I began. American agriculture is in crisis. We desperately need a victory in the next round of trade talks, and we need it soon. Our farmers simply cannot survive year after year in a circumstance in which our major competition outspends us 7–1 on domestic support and 60–1 on export subsidies.

I believe our farmers can compete against any producer anywhere in the world but they have to have a level playing field. They have to have a country that is fighting for them when our chief competitors are fighting for their producers at every set of trade talks.

I hope very much our colleagues will support this amendment that lays out clear negotiating objectives for our trade representatives in this next round of trade talks. I believe this amendment is a first step in that process. I urge my colleagues to support it. I welcome cosponsorship, as I know Senator GRASSLEY would, from other Members who are concerned about these issues.

I yield the floor.

Mr. WELLSTONE. If my colleague will yield for a question, I don't intend to take the floor.

After the Conrad amendment is disposed of, is it the intention of the chairman to have votes?

Mr. ROTH. I am going to ask unanimous consent to set aside this amendment. Senator GRASSLEY desires the opportunity to comment. I think we will stack votes as we did yesterday. It would be in order for another amendment to be raised.

Mr. WELLSTONE. I need to go to a markup.

Mr. ROTH. We will be ready in a minute for another amendment.

Mr. MOYNIHAN. Mr. President, if I could say to my friend from Minnesota, if he has 5 minutes, he can start.

Mr. ROTH. In the meantime, I ask unanimous consent to lay aside this amendment. As I said, Senator GRASSLEY, the cosponsor of this legislation, desires the opportunity to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I ask unanimous consent that Senator ENZI and Senator ASHCROFT be listed as original cosponsors of the Conrad-Grassley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, if I might comment on the remarks of my friend from North Dakota regarding the Seattle ministerial conference which begins at the end of this month. There is no wide agreement on what the next round of negotiations will address. However, there is no doubt that agriculture will be one of the matters addressed in the next round. There is much disagreement in other areas.

The idea of our setting some negotiating objectives is a good idea, in my view, and I think the chairman agrees.

Mr. ROTH. Mr. President, I share that opinion. There is no question but it is appropriate for Congress to help set these objectives.

I say to my distinguished colleague from North Dakota, I agree very much

about the need to develop a level playing field. One of my concerns is the fact our markets are the most open markets in the world. That obviously includes agriculture. The purpose of these negotiations should be to lower them in such a way that everyone is on an even playing field. I am very sympathetic to what the Senator is proposing.

Mr. MOYNIHAN. I am sure the chairman will agree, and I cannot doubt that my friend from North Dakota will agree, it would be much better if the President were to go to Seattle with the traditional trade negotiating authority other Presidents have had. This President does not. It is not for the lack of the Finance Committee trying to give it to him. There has been a real breakdown at both ends of the avenue, as it were. The White House has let small political considerations enter into their calculations. We are not unknown to such failings ourselves.

But the fact is, at the end of the 20th century the President of the United States does not have the negotiating authority he has had, in essence, for 65 years—since the Reciprocal Trade Agreements Act of 1934. The more, then, ought we try to speak to the coming negotiations in the manner suggested; the more, then, should we get this legislation passed else the President might decide not to go at all.

Mr. ROTH. I think that would be a very serious setback. Let me comment on fast track. As the Senator said, our committee, of course, has acted on that. I regret the President does not have this authority. I have to say I do not think negotiations can be effective until the President obtains it. Does the Senator agree with that?

Mr. MOYNIHAN. It is an elemental fact in international relations that most countries have a unitary legislative/executive branch, such that if the Prime Minister of Great Britain sends his Foreign Secretary to negotiate, that Foreign Secretary represents a majority in the House of Commons. Any agreement they reach will be ratified.

That is not the case with us. The world discovered this in 1919 when the Treaty of Versailles, negotiated by President Wilson, was not ratified in this Chamber. That sank in over the next 20 years. So we have been giving the President this authority so his representatives can say: If I make an agreement, we will keep the agreement.

Absent that, I do not know what will come. I think I am correct—I take the liberty of asking my able assistant, Dr. Podoff—we have never had a multilateral GATT or WTO negotiation without the President having traditional negotiating authority, have we, to complete the negotiations? No.

This, sir, would be the first time—the first time. That is not an experiment I think we should be running, but perhaps we can make up for it in time. In the meantime, I welcome the thoughts of my friend, our colleague on the Committee on Finance.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman and ranking member for their consideration. They have been most patient in listening to me today and on the Finance Committee as I have talked about these issues. I appreciate, too, they believe, as I do, it is appropriate for us to lay out negotiating objectives for our trade representatives for this next round. I hope very much our colleagues will support this amendment. I think it is important to send a signal as to what we expect our trade representatives to focus on in the agricultural sector.

Again, I thank our chairman and our ranking member very much for their assistance this morning. I note my cosponsor, Senator GRASSLEY, is held up in committee. He would very much like to speak on this amendment before it is finally considered. So I appreciate the consideration of the chairman and ranking member with respect to providing time for him as well.

I yield the floor.

Mr. GRASSLEY. Mr. President, today I rise in support of an amendment I am sponsoring with Senator CONRAD to establish trade negotiating objectives for the new round of multilateral trade negotiations the United States will help launch in about four weeks with 133 other WTO member nations in Seattle.

The principles contained in this amendment are important because the upcoming negotiations in agriculture are so vital to our farm economy, and vital to the United States.

The last multilateral trade round, the Uruguay Round, established, for the first time, multilateral rules on market access, export subsidies, and domestic support for agriculture.

But as significant as the Uruguay Round was for agriculture, it was only a first step. Much remains to be done.

Agricultural tariffs in industrial countries still average more than 40 percent, compared with tariffs of 5 to 10 percent in manufactured goods.

The average world agricultural tariff is 56 percent. In the United States, it is 3 percent. But tariffs for some agricultural products reach 200 percent or more.

Export subsidies are still far too high, and distort trade in third-country markets.

Producer subsidy equivalents, which measure assistance to producers in terms of the value of transfers to farmers generated by agricultural policy, are also far higher in the European Union than in the United States.

These transfers are paid either by consumers or by taxpayers in the form of market price support, direct payments, or other support.

The Producer subsidy equivalent for all agricultural products in the EU has averaged around 45 percent.

In the United States, the producer subsidy equivalent is only 16 percent.

So-called ''Blue Box'' spending is also out of control. This is the trade-distorting spending that was authorized in the Uruguay Round.

Currently, the United States has no programs that fall within the Blue Box. But the European Union maintains huge trade-distorting subsidy payments.

We should finally admit that the Blue Box is a mistake, and eliminate it completely.

State trading enterprises allow some countries to undercut United States exports into third markets and restrict imports.

And the principle of sound science is being thwarted with regard to bio-engineered products, to the great detriment of our farm economy.

We need to address all of these issues in the upcoming WTO negotiations.

But we also need to make certain that when we negotiate with our trading partners, that the deal we finally implement is the one that was actually negotiated, and not a different agreement that was changed later through secret understanding or side arrangement.

This is an important principle of international law. It is also a basic principle of equity and fairness.

Only after the WTO Agreement was signed into law did some of us in the Senate learn for the first time that there was more to the Uruguay Round agreement than we originally thought, due to secret side agreements.

This must not happen again.

The amendment I am offering with Senator CONRAD will insure that this practice will end.

The only trade deal that should be enforced is the one the parties actually negotiated.

I strongly urge my colleagues to adopt this amendment, so that we can get this new round of trade negotiations off to the best possible start.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, am I correct, then, the understanding is before a final vote on this amendment, Senator GRASSLEY will be speaking and right now I will go forward with my amendment? Is that correct?

Mr. President, before I send this amendment to the desk, I want to emphasize one issue that this amendment does not speak to directly but which is very much on my mind. There is an (A) and a (B) part to this issue.

The (A) part is the economic convulsion in agriculture that has taken place all across our land, and certainly in our State of Minnesota. I also hasten to add there is no question in my mind that if we do not change the course of policy, we are going to lose a whole generation of producers.

The (B) part of what I want to say before going forward with this amendment is that I have, for at least the last 6 weeks, if not longer, been involved in what I would almost have to describe as a ferocious fight to have

the opportunity to bring an amendment to the floor that speaks to at least part of what is going on with this crisis in agriculture. No one amendment is the be-all or end-all. But one amendment would deal with all the mergers that are taking place and the ways in which these conglomerates are driving out family farmers across the land, the whole problem of concentration of power in the food industry, in agriculture.

Other colleagues from agricultural States such as Minnesota have other ideas, but the point is that we want an opportunity to bring an amendment to the floor that speaks to what is going on in agriculture. I thought we would have the opportunity to do that on this trade bill. We have been clotured out. Last week, we were successful in blocking cloture. Now we have been clotured out, with the understanding this will happen on the bankruptcy bill.

I want to express my skepticism on the floor of the Senate today as to whether or not that bankruptcy bill will be brought to the floor and whether or not we will have that opportunity. I want to express some indignation in advance if, in fact, we end up closing out this part of our session and going home without having had any debate, further debate about agriculture, and any effort whatsoever to alleviate the pain and misery in the countryside. I think it should be a top priority for us.

Over the next several days, whatever period we are dealing with, I am going to continue to fight to get this amendment out there. My understanding is we have an agreement that there will be an amendment on agriculture that will be part of the debate we will have when the bankruptcy bill comes to the floor, along with minimum wage, along with East Timor. That is the commitment that has been made. I certainly hope we will see that commitment carried out.

AMENDMENT NO. 2487

(Purpose: To condition trade benefits for Caribbean countries on compliance with internationally recognized labor rights)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Only filed amendments may be called up. Does the Senator have a filed amendment?

Mr. WELLSTONE. I am sorry, the amendment has been filed. I do not need to send it to the desk.

The PRESIDING OFFICER. Which number is the amendment?

Mr. WELLSTONE. Since I did not know it had been filed, I will speak on the amendment.

Mr. MOYNIHAN. Is it 2487?

Mr. WELLSTONE. Mr. President, 2487 is the number.

Mr. MOYNIHAN. Mr. President, might I just slip over and make sure we have the right amendment?

Mr. WELLSTONE. I apologize. I did not know the amendment had been filed.

When I talk about labor rights, my colleague from New York is very familiar with the ILO. This is his fine work. What we are talking about is the right of association, the right to organize and bargain collectively, the prohibition on the use of any form of coerced or compulsory labor, some kind of international minimum wage for the employment of children age 15, and acceptable working conditions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place, add the following:

SEC. . ENCOURAGING TRADE AND INVESTMENT MUTUALLY BENEFICIAL TO BOTH THE UNITED STATES AND CARIBBEAN COUNTRIES.

(a) CONDITIONING OF TRADE BENEFITS ON COMPLIANCE WITH INTERNATIONALLY RECOGNIZED LABOR RIGHTS.—None of the benefits provided to beneficiary countries under the CBTEA shall be made available before the Secretary of Labor has made a determination pursuant to paragraph (b) of the following:

(1) The beneficiary country does not engage in significant violations of internationally recognized human rights and the Secretary of State agrees with this determination; and

(2)(A) The beneficiary country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones) as determined under paragraph (b), including the core labor standards enumerated in the appropriate treaties of the International Labor Organization, and including—

(i) the right of association;

(ii) the right to organize and bargain collectively;

(iii) a prohibition on the use of any form of coerced or compulsory labor;

(iv) the international minimum age for the employment of children (age 15); and

(v) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(B) The government of the beneficiary country ensures that the Secretary of Labor, the head of the national labor agency of the government of that country, and the head of the Inter-American Regional Organization of Workers (ORIT) each has access to all appropriate records and other information of all business enterprises in the country.

(b) DETERMINATION OF COMPLIANCE WITH INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—

(1) DETERMINATION.—

(A) IN GENERAL.—For purposes of carrying out paragraph (a)(2), the Secretary of Labor, in consultation with the individuals described in clause (B) and pursuant to the procedures described in clause (C), shall determine whether or not each beneficiary country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones).

(B) INDIVIDUALS DESCRIBED.—The individuals described in this clause are the head of the national labor agency of the government of the beneficiary country in question and the head of the Inter-American Regional Organization of Workers (ORIT).

(C) PUBLIC COMMENT.—Not later than 90 days before the Secretary of Labor makes a determination that a country is in compliance with the requirements of paragraph (a)(2), the Secretary shall publish notice in the Federal Register and an opportunity for public comment. The Secretary shall take into consideration the comments received in making a determination under such paragraph (a)(2).

(2) CONTINUING COMPLIANCE.—In the case of a country for which the Secretary of Labor has made an initial determination under subparagraph (1) that the country is in compliance with the requirements of paragraph (a)(2), the Secretary, in consultation with the individuals described in subparagraph (1), shall, not less than once every 3 years thereafter, conduct a review and make a determination with respect to that country to ensure continuing compliance with the requirements of paragraph (a)(2). The Secretary shall submit the determination to Congress.

(3) REPORT.—Not later than 6 months after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Labor shall prepare and submit to Congress a report containing—

(A) a description of each determination made under this paragraph during the preceding year;

(B) a description of the position taken by each of the individuals described in subparagraph (1)(B) with respect to each such determination; and

(C) a report on the public comments received pursuant to subparagraph (1)(C).

(c) ADDITIONAL ENFORCEMENT.—A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under this section with respect to any CBTEA beneficiary country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek the value of any damages caused by the failure of a country or company to comply.

Mr. WELLSTONE. Mr. President, this amendment would provide for mutually beneficial trade between the United States and Caribbean countries by actually rewarding countries that comply with internationally recognized core labor rights with increased access to U.S. markets for certain textile goods.

That is what this should be about. We ought to reward countries that are willing to comply with internationally recognized core labor rights with increased access to the U.S. market.

This amendment provides for enforceable standards—let me emphasize this. I say to my colleagues, and I know they believe me, I am an internationalist. I very much want to see expanded trade. I very much want to see expanded relations with other countries. The question is the terms of trade, and I am especially focused on the need to have enforceable labor standards.

Under this amendment, before any of the benefits of the CBI trade bill can go into effect, the Secretary of Labor will have to determine a CBI country is providing for enforcement of the core ILO labor rights. That is what this amendment does.

The Secretary will make this determination after consulting with labor people from the region and after consideration of public comments. But the Secretary of Labor will make the determination to make sure the country

with which we have trade relations is providing for the enforcement of the ILO core labor rights. I want to make sure these standards are enforceable. U.S. citizens will also have a private right of action in district courts to enforce these provisions.

The alternatives in the CBI Parity bill are unenforceable. That is my dissent from this legislation. The CBI Parity bill merely includes labor rights as an eligibility criterion which can only be enforced by the administration. But the administration already enforces the GSP program and has never, not one time, suspended a CBI country, despite their terrible labor rights records.

Later on, I will provide, from my point of view, too much by way of documentation. That is to say, the number of petitions that have been filed with the USTR under the GSP program. Every single time the petition has been withdrawn. There has been no real response.

If the administration will not use its GSP leverage to improve labor rights in these countries, why would we expect them to use an eligibility criterion? The ILO is not an option because it does not have the enforcement power. I want to make sure there are some enforceable labor standards that will apply to this CBI trade agreement.

Some examples of GSP workers' rights cases accepted for review against major CBI countries are as follows:

Costa Rica, 1993, right of association, right to organize and bargain collectively, acceptable working conditions, petition withdrawn. That is the outcome.

Dominican Republic, 1989–1991, right of association, right to organize and bargain collectively—these are core labor rights—forced labor, child labor, review terminated in 1991 due to introduction of ''labor code reform.''

El Salvador, 1990–1994, right of association, right to organize and bargain collectively, review terminated.

Guatemala, 1992–1997, right of association, right to organize and bargain collectively, again, review terminated.

The list goes on.

What we want to do is parallel to what Senator FEINGOLD has done in his HOPE for Africa bill. That is, we want to apply some enforceable labor standards. We want to reward countries that comply with internationally recognized core labor rights. In this amendment, we call for the Secretary of Labor to determine whether or not a CBI country is providing for the enforcement of ILO core labor rights. Why wouldn't we want to do that in a piece of trade legislation? When will we?

Supporters of CBI parity complain that NAFTA-like benefits will help Caribbean workers. I have heard that argument made over and over. I want to read from a report that came out in October of 1999: ''Six years of NAFTA: A review from inside the maquiladoras.''

This 1999 report on the Mexican maquiladoras shows wages and conditions have actually deteriorated since passage of NAFTA. This was a joint effort between the Comite Fronterizo de Obreras and the American Friends Service Committee. I will quote from relevant sections of the report, ''Six years of NAFTA: A review from inside the maquiladoras'':

> In Mexican manufacturing, real wages have fallen by more than 20 percent since 1994. It is not only that real wages have remained stagnant overall, failing to keep pace with inflation, but wage levels have also come under attack wherever they are over the threshold considered competitive by the maquiladoras.

One sees over and over, in going through this report, wage levels dropping, basic violations of the people to organize, and failure to enforce child labor standards. When I hear about NAFTA-like benefits, I have to question whether or not this is the future.

I will speak about the CBI countries and what I call the race to the bottom. The CBI countries with the fastest export growth to the United States have also experienced the steepest decline in wages in the region. Over the last 10 years, textile and apparel imports from Honduras exploded by a whopping 2,523 percent. Yet from the 10 years spanning 1985 to 1996, wages of Honduran workers declined by 59 percent.

I will repeat this since we are talking about the benefits for the workers in these countries. I am not making an argument that we should have enforceable labor standards because I only care about workers in our country. I do care about workers in our country, and I do worry that the message we're sending to workers in our country, if we do not have enforceable labor standards in this agreement, is: If you dare to organize and bargain collectively to get a better wage and a better standard of living for yourselves and your families, then these companies will just go to the Caribbean countries.

That is part of the message. Let me tell you why I think it is the message. This is a list of approximate apparel wages around the world. In the United States, the average is $8.42. Do my colleagues know what it is in Colombia? Seventy to 80 cents; Dominican Republic, 69 cents; El Salvador, 59 cents; Guatemala, somewhere between 37 to 50 cents; Haiti, 30 cents; Honduras, 43 cents; Nicaragua, 23 cents.

I am worried that not only is the message to workers in our country: Look, we will just go to these countries where we can pay 23 or 40 cents an hour; you cannot compete with them so you dare not call for better wages and working conditions.

I am also worried the message we're sending to these countries is: Yes, there is going to be economic expansion and there is going to be more trade, but the only way you can get the foreign investment is if you agree to work for less than 50 cents an hour.

Again, I will give some figures. CBI countries with the fastest export growth to the United States have also experienced the sharpest decline in wages in the region. Maybe my colleagues can explain to me why this is the case.

Over the last 10 years, in Honduras: Apparel imports from Honduras exploded 2,523 percent. Yet for the same 10 years, the wages in Honduras declined by 59 percent.

In El Salvador: Apparel exports to the United States have increased 2,512 percent, while wages have decreased 27 percent.

In contrast, Jamaica's export growth has been less impressive, culminating in an actual 17 percent decline over the past year. One explanation is that Jamaica's high rate of unionization has ensured that workers' wages have increased.

So here is the message. May I simply say to my colleagues why enforceable IOL standards are important: The basic right to be able to organize and not wind up in prison; the basic right to be able to bargain collectively and not wind up in prison. It is because if we do not have enforceable labor standards—and we do not in this trade legislation right now, and this amendment puts enforceable labor standards into this legislation—then we are saying to workers in our States: You had better not ask for more by way of wages. You had better not be too assertive for yourselves or your families because we'll just go to these CBI countries and we'll pay 50 cents an hour or less.

What it says to the workers in these countries—and I just gave you some aggregate data—is: By the way, we're not going to guarantee your right to organize. We're not going to guarantee any fair labor standards. We're not going to guarantee any IOL standards that will be enforceable. Therefore, the only way you get the investment is if you're willing to work under sweatshop conditions.

As a matter of fact, in the CBI countries, their growth in exports to our country has been unbelievable—dramatic growth—but the wages have declined. The only country where that has not happened is Jamaica, which is a country where there has been unionization. So the message is: You don't get the trade, you don't get the investment, if you dare to unionize.

I say to colleagues, there are many articles, many testimonies, and there is a GAO report which shows that workers' rights have not been respected and are not respected in Central America, Haiti, and the Dominican Republic. I do not think my colleagues are going to argue with me on this. It seems the evidence is irrefutable on that point.

Without this amendment, the CBI Parity bill is going to help defeat unionizing drives in our textile plants and American workers will compete with Caribbean apparel workers who are willing to work for 30 cents an hour—23 cents an hour actually in Nicaragua, 80 cents an hour in Colombia. The United States apparel workers

make, on the average, $8.42, which is not a lot of money.

There is a bitter irony: Many of these workers in U.S. textile plants are actually immigrants from these very same countries. A large number of them are poor, they barely make a living wage, they are women, they are minorities. Without this amendment, the CBI parity bill will merely encourage United States corporations to set up sweatshops in the Caribbean. My amendment is an anti-sweatshop amendment.

To summarize, there ought to be enforceable labor standards. There are not any in this trade bill. Without enforceable labor standards, we are not on the side of human rights, we are not on the side of people in the CBI countries wanting to organize and to be able to do well for their families, and we are not on the side of wage earners in our country who are going to lose their jobs to workers in Honduras who work for 40 cents an hour.

We ought to at least have enforceable IOL standards. That is exactly what this amendment speaks to.

I reserve the remainder of my time.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I congratulate the Senator from Minnesota for his remarks and tell him that he finds no difference of view among the managers of this legislation. We have a managers' amendment to address it.

The large issue, sir, that has emerged in the context of the World Trade Organization is the relevance of the international labor conventions negotiated under the auspices of the International Labor Organization, which began here in Washington in 1919. The first were adopted at the Pan-American Union Building. The Offices of the ILO itself were provided by then-Assistant Secretary of the Navy Franklin D. Roosevelt.

The problem is, at the time, these trade treaties—they were trade treaties—were designed to say, just as the Senator has said: If you, country X, have a minimum wage, and country Y does not, country Y will have trade advantages which will end up with employment in the original country. So do it together—improve labor standards together by means of international labor treaties. It is a principle.

We did not, until now, have any transparency. There was no inspection—a new idea, a post-World War II idea—an important key idea. There was no ranking, no reporting. We are getting there. The International Labor Organization, in 1998, issued this wonderful document: ''ILO Declaration on Fundamental Principles and Rights at Work.'' And there they are, the four basic principles. We have a lot to do in this regard, but we have begun.

So I congratulate the Senator. He is going to speak later and longer.

I know the Senator from Montana, under some pressure of time, would like to speak now, as I understand it, on the most agreeable subject of why this is an important bill and why he voted for it in the Finance Committee.

Mr. WELLSTONE. Mr. President, before yielding to the Senator from Montana—I will be pleased to accommodate him—my understanding is that before we come to a final vote, there will be an opportunity for further discussion of this amendment. There are some additional comments I want to make, especially in response to the very helpful comments of the Senator.

Mr. MOYNIHAN. We understand that.

Mr. WELLSTONE. I thank the Senator.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Montana.

Mr. BAUCUS. Mr. President, like many of my colleagues, I was very disappointed last week when it appeared that we would not have a chance to act on this very important piece of legislation. I was disappointed for several reasons.

First, because there's a lot more at stake here than the four basic elements of this bill: CBI, Africa Trade, TAA and GSP. All four are important, and I will say a few words about each one of them.

But even more important is the signal that we send now. At the end of this month, the United States will host the World Trade Organization ministerial meeting in Seattle. The WTO writes and enforces the rules governing some $6 trillion in international trade. Delegations from over 130 nations will come participate in the meeting. They will launch a new global round of negotiations aimed at expanding trade.

All of those delegations will have a common concern: Does the United States still intend to lead the world on trade? They will look at the way we deal with the trade bill before us as an indication of how they should answer that question.

The signals we have sent them recently are not encouraging.

First, we have failed to pass legislation granting negotiating authority to the U.S. Trade Representative. This undercuts our ability to persuade other nations to offer concessions, since we are not in a position to make credible offers.

Second, the United States has not put forward the kind of visionary, far-reaching proposals needed at the onset of trade talks. Rather than leading the way forward, we seem to have adopted another strategy: offend the fewest number of people as possible.

While we send these weak signals, other countries have moved into the breach to advance their own interests. The European Union and Japan mounted campaigns to paint us as foot-draggers on trade. They say that our proposals for trade negotiations are too narrow to allow for any real bargaining. They claim that they want to talk about the full range of trade issues, while we want to pull major portions of the trade system off the table.

We know what they are really up to. They want to undercut the talks and make them drag on for years. That way they can avoid living up to their responsibilities on agriculture. Unfortunately, a number of countries are persuaded by the picture of America's trade policy that Europe and Japan are painting.

This bill is the only opportunity the Senate will have before the Seattle meetings to show where America stands. It is vitally important that we pass this legislation to demonstrate our commitment to free market principles, and to open, fair trading system.

Mr. President, I filed two amendments to the bill, both of them trade-related. Both of them are on issues which are extremely important to Americans. I was very disappointed that we were locked out of discussing them last week.

One of the amendments allowed for tariff cuts on environmental goods as part of a global agreement in the WTO. The measure has the support of both business and environmental groups. This is a rare instance where both sides of the trade-environment debate agree on something. It's a shame that the Senate cannot move forward on something so sensible.

The second amendment concerned agricultural subsidies. American farmers are the most productive in the world. But they're being frozen out of foreign markets by European and Japanese subsidies. I filed an amendment that would fight back by funding our Export Enhancement Program.

This amendment required the Secretary of Agriculture to target at least two billion dollars in Export Enhancement Program funds into the EU's most sensitive markets if they fail to eliminate their export subsidies by 2003. It's time to start fighting fire with fire. This ''GATT trigger'' should provide leverage in the next round of the WTO in reducing grossly distorted barriers to agricultural trade.

In addition to these amendments, Mr. President, I also filed a resolution in the form of an amendment about another important trade issue: telecommunications. It calls on the Administration to continue to pursue efforts to open the Japanese telecommunications market. This is another example of how Japan must shoulder its responsibilities as a major trading nation. It cannot benefit from access to foreign markets unless its offers access to its home market. It's simply a question of fairness.

Mr. President, I voted against cloture last week because I objected to the way the Majority Leader handled the bill. I was denied the ability to do what the people of Montana sent me here to do: debate and pass legislation. But I support the bill itself. I support each of its

elements—the Caribbean Basin Initiative, the Africa Growth and Opportunity Act, and the renewal of both Trade Adjustment Assistance and the Generalized System of Preferences.

CARIBBEAN BASIN PARITY INITIATIVE (CBI)

I have long supported efforts to extend additional tariffs preferences to the Caribbean Basin. But with conditions. The benefits should be conditioned on the beneficiary countries' trade policies, their participation and cooperation in the Free Trade Area of the Americas (''FTAA'') initiative, and other factors. This trade bill is substantially similar to the version I supported in the 105th Congress with some reservation.

I see a flaw in this bill, however, and would like to work to repair it. The bill suggests criteria the President can use when deciding whether to grant CBI benefits. It is a long list of about a dozen items. Criteria like Intellectual Property Rights. Investment protections. Counter-narcotics. Each one is important. The bill should make these criteria mandatory.

In particular, I believe that the President should be required to certify that CBI beneficiaries respect worker rights, both as a matter of law and in practice. We can't maintain domestic support for open trade here at home unless our programs take core labor standards into account.

We want to help our Caribbean neighbors compete effectively in the U.S. market. But we don't want them to compete with U.S. firms by denying their own citizens fundamental worker rights.

It only seems reasonable that as we help the economic development of these nations, we also help them enforce the laws already on their books. The majority of these countries already have the power and only need the will to ensure that their citizens see the benefits of enhanced trade—decent wages, decent hours and a decent life.

Overall, I believe that CBI parity is the right thing to do—if it does what it is intended to do. That is lift the people of the hurricane devastated countries out of poverty and ensure them a better way of life.

I also believe that the United States must lead by example. Sensitivity to labor and environment must play a role in our trade decisions and actions around the world.

It's tragic that partisan politics keeps the United States Senate from taking these actions.

AFRICAN GROWTH AND OPPORTUNITY ACT

I have the same concerns about labor in terms of the African Growth and Opportunity portion of the bill. But I supported the Chairman's mark, which included a provision requiring U.S. fabric for apparel products produced in eligible sub-Saharan African countries.

Developing markets is in the best interest of us all. And the trade bill would help Africa move in that direction. But this bill is about more than trade. It is about hope.

It is about bringing the struggling nations of sub-Saharan Africa into our democratic system. It is about establishing stability and a framework wherein the citizens of these nations can enjoy the fruits of prosperity. It is about building a bridge between the United States and Africa that will be a model for all nations.

TRADE ADJUSTMENT ASSISTANCE

The third part of the bill renews the Trade Adjustment Assistance Program. We cannot expect to maintain a domestic consensus on trade if we fail to assist those who are adversely affected. For 37 years, this program helped Americans adjust to the forces of globalization.

I would like to acknowledge Senator MOYNIHAN, who originated this program, in another demonstration of his wisdom and foresight. I have seen the effects of this program in Montana. The renewal of Trade Adjustment Assistance translates to 330 Montana employees impacted and approximately $44 million in gross annual sales preserved.

This legislation is long overdue. TAA authorization expired on June 30. There are families who are displaced in the world economy, and they are living off this transitional benefit—200,000 eligible workers.

While we delay, certified firms anxiously await funding. This is fundamentally unfair—especially for employees of firms fighting import competition that is beyond their control. They cannot afford to wait while TAA is caught up in the annual battle for funding as the ''perennial bargaining chip'' for other trade proposals. That's just ineffective government. It's time to pass this legislation.

GENERALIZED SYSTEM OF PREFERENCES

Finally, let me say a word about GSP renewal. This is the fourth part of the trade bill. This is also a question of effective government. Over the years, the program has lapsed periodically when renewal legislation was delayed. Like TAA, the latest lapse occurred on June 30. Four months later, we still haven't acted on its renewal.

Who gets hurt? Not just foreign companies. A lot of American firms get hurt. That includes both American importers and exporters. A lot of the American firms produce abroad and then export to the United States. Much of this is internal company trade. That's the reality of today's global economy.

When GSP lapses, these companies are suddenly required to deposit import duties into an account. Customs holds the money until renewal legislation is signed. Eventually the companies get their money back. But they don't know how long renewal legislation will take. So they don't how much they'll have to set aside, or how long the money will be in escrow.

How can we expect businesses to operate efficiently under such conditions? These cycles of GSP lapsing and then being renewed represent government at its worst. We have a responsibility to provide business and consumers with a consistent, predictable set of rules. We need to fix this GSP lapse as quickly as possible.

Mr. President, a lot of effort, a lot of thought, a lot of time has gone into this bill. Much time has also gone into formulating amendments. It was a great disappointment to see this effort unravel over partisan politics. We have a second chance this week. Let's not squander the opportunity. We can and should work together to pass this bill.

We were elected to this body to pass legislation not to bicker. Let's do what the people sent us here to do.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise briefly to express the wish that every Member of the Senate will have heard, or will have read, the remarks of the Senator from Montana. There speaks the American voice. I trust it will be heard. Thanks to him, it will prevail.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to address the African Growth and Opportunity Act and to discuss two amendments I hope to offer. I would like to begin by thanking the chairman and the ranking member of the committee for their good work on this bill. Anyone who has spent time in Africa knows the poverty and environmental problems inherent on that continent. The Africa Growth and Opportunity Act, I believe, is the most hopeful vehicle for positive change that has come about. It opens the door to trade, investment, economic growth, and a higher quality of life for people of African nations. It will give Africans options and new abilities to build economically, to develop, to improve opportunities for trade worldwide, and to build new businesses on African and Caribbean soil.

Sub-Saharan Africa is a market of some 700 million people. Yet less than 1 percent of our Nation's total trade is currently conducted with nations of this region. Expanding trade with this emerging market will help keep America competitive with Europe and Asia, who are already expanding their markets in the African nations. As the nations of sub-Saharan African reform their economies to spur economic growth, U.S. exporters will have access to new and larger markets for their products. This, in the long run, creates and sustains American jobs.

Just as important, this legislation contains provisions to support and encourage democracy and human rights in sub-Saharan Africa. A country is not eligible for trade and investment benefits if it engages in gross violations of internationally recognized human rights and does not respect basic labor rights, such as the right to organize and bargain, the right of association, and acceptable working conditions.

Now, I recognize that those rights aren't as strong and enforceable as some might want. Nonetheless, they are the basic rights that are inherent in virtually every trade bill.

Finally, as President Clinton noted, deepening our economic ties with these nations will also strengthen our cooperative efforts to address a host of transnational threats, such as environmental degradation, infectious disease, and illicit drug trafficking. I had intended to offer an amendment to address any potential impact this legislation might have on the domestic apparel industry of our Nation. The amendment I would have introduced would have created a tax credit of 30 percent for the first $12,300 in the first year of employment, rising to 50 percent over 5 years for domestic garment and sewn manufacturers who hire a worker who is at or below the poverty line in this country. For an individual, that is $8,240; for a family of four, it is $16,700.

However, both the chairman and the ranking member of the Finance Committee have made it clear they don't believe tax credit amendments should be offered to this legislation, and I respect that. The offset we also had in mind, it turns out, has been utilized. However, the amendment has been scored. I will not offer this domestic textile worker tax credit amendment on this bill, though my intention is to offer it as a separate bill with an offset at a later time.

I think this legislation would provide real incentive for domestic manufacturers to keep jobs in the United States, to hire American workers, and to keep them on the job. Moreover, by targeting the benefits to employees who, before being hired, are living at or below the poverty line, the amendment would also help move families off of welfare and public assistance and provide them good jobs in which they can support themselves and their families.

My second amendment addresses the need for the United States to remain in the forefront of the fight against HIV/AIDS in Africa.

Mr. President, this bill inadvertently threatens to undermine the fight against AIDS in Africa. Approximately 34 million people, if you can believe it, in sub-Saharan Africa—that is the equivalent of the population of the State of California—are or have been infected with AIDS or HIV. And 11.5 million people of those infected have died—11.5 million people. These fatalities comprise 83 percent of the world's total HIV/AIDS-related death. Eighty-three percent of the death from AIDS in the world are in the sub-Saharan African countries. So the impact of AIDS in Africa is huge. It continues to be a major threat to the well-being of the entire African Continent. Frankly, it even threatens the well-being of this legislation if it is left unaddressed.

Unfortunately, this legislation carries with it intellectual property rights for the American pharmaceutical companies which prevent the licensing, manufacture, and sale of cheaper generic AIDS drugs. That is a practice known as ''compulsory licensing.''

Without compulsory licensing, a practice fully consistent with international law, the vast majority of HIV/AIDS patients in Africa could not afford the more expensive drugs from American pharmaceutical companies and, thus, more will suffer and die simply without treatment. AIDS drugs in this country literally cost several hundred dollars a month. They must be taken several times a day regularly, and they often necessitate other drugs to ward off serious side effects of AIDS-reducing drugs.

The amendment I have authored, which is cosponsored by Senator FEINGOLD, on which we have worked with the staff on both sides, and which we believe will be acceptable to both sides, draws on a provision in Senator FEINGOLD's HOPE for Africa bill. It allows the countries of sub-Saharan Africa to pursue compulsory licensing by preventing the U.S. Government from enforcing one specific U.S. intellectual property right that, when implemented, would prevent the license, manufacture, and sale of generic AIDS drugs in Africa.

For those of my colleagues who may be concerned that this amendment may undermine wider intellectual property rights, this amendment acknowledges the World Trade Organization's agreement on trade-related aspects of intellectual property and that that is the presumptive legal standard for intellectual property rights.

The WTO, however, allows countries flexibility in addressing public health concerns, and the compulsory licensing process under this amendment is consistent with the WTO's balancing of intellectual property rights with the moral obligation to meet public health emergencies such as the HIV/AIDS epidemic in Africa.

When 11 million people die of a single disease, it certainly deserves and merits this kind of consideration.

In effect, this amendment will allow the countries of sub-Saharan Africa to continue to determine the availability of HIV/AIDS pharmaceuticals in their countries, and provide their people with more affordable HIV/AIDS drugs.

It is clearly in the national interest of the United States to prevent the further spread of HIV/AIDS in Africa, and I believe that this amendment is an important improvement to this legislation if we are to continue to assist the countries of the region to bring this deadly disease under control.

I am pleased to support the African Growth and Opportunity Act and the Caribbean Basin Initiative because I believe they are both in the national interest of this country.

I thank both the chairman and the ranking member for their support of this amendment.

I yield the floor.

Mr. FEINGOLD. Mr. President, I rise today to express my strong support for the amendment of the Senator from California to the African Growth and Opportunity Act. First, let me thank Senator FEINSTEIN for her leadership on this critical issue. This very provision is incorporated in my own HOPE for Africa bill, S. 1636, and I am especially pleased she is offering that language as an amendment to this bill today.

AGOA's aim is to strengthen economic ties between the United States and the diverse states of sub-Saharan Africa, fostering economic development and mutually beneficial growth. I think that we can all agree that this is a worthy goal. The disagreement is about how we get from here to there.

It is my belief that no U.S.-Africa trade bill will succeed unless it addresses the underlying context for growth and development in Africa. The United States needs to pass legislation that will help set the stage for a real economic partnership.

The Feinstein-Feingold amendment is a good start because it is impossible to address Africa's economic and social development problems without taking serious action to combat the region's HIV/AIDs epidemic.

In 1998, four out of every five HIV/AIDs-related deaths occurred in sub-Saharan Africa. In fact, HIV/AIDS kills over 5,000 Africans each day.

Common decency tells us that this is a humanitarian catastrophe. Basic logic also tells us that it is economically devastating.

AIDS attacks the most productive segment of society—the young adults who would otherwise be the engine in Africa's economy. And it leaves far too many children orphaned, preparing to take their place in society without the guidance and security that their parents would have provided.

And the health-care costs associated with AIDS are astronomical. Life-savings medications can cost $12,000 per year—an impossible burden in countries where average per-capita annual income often barely exceed $1,000.

How can the United States expect to find a strong economic partner in Africa if it ignores these facts?

This amendment does not hide from these realities. It approaches them head-on, by prohibiting U.S. funds from being used to change the intellectual property laws of African states.

That means that taxpayer dollars will not be spent to help pharmaceutical companies undermine the legal efforts of some African states to gain and retain access to lower cost pharmaceuticals.

It is important to be clear—this amendment does not allow African states to ''get away with something.'' It explicitly refers to the legal means by which these countries are entitled to address their public health emergencies.

These legal methods, which are permitted under the agreement on Trade Related Aspects of Intellectual Property, or TRIPS, lower prices for consumers by creating competition in the

market for patented goods through a procedure called compulsory licensing. TRIPS is an agreement administered by the World Trade Organization.

Compulsory licensing does not ignore the rights of patent-holders. Pharmaceutical companies holding patents on HIV/AIDS drugs are paid a royalty under these arrangements.

This amendment simply prohibits the United States from spending money to undermine an entirely legal fight for survival that is being waged in Africa today.

It is legal. It is the right thing to do. And ultimately, it is in America's interest, as healthier African people will undoubtedly lead to healthier African economies.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I appreciate the remarks of the distinguished Senator from California. She seeks to address a most critical problem, one that is unbelievable, as she pointed out, with 11 million a year dying from this disease.

We have been working. We expect to come together on an amendment that will be acceptable to both sides.

Mrs. FEINSTEIN. I thank the chairman very much. I appreciate that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, Federal Reserve Board Chairman Alan Greenspan has said numerous times that increased trade has raised the standard of living and the quality of life for almost all countries involved in trade, and especially the quality of life in our own country. Chairman Greenspan believes the No. 1 benefit of trade is not simply jobs but an enhanced standard of living. I can think of no more important enhancement to the standard of living of America's hardest pressed working families than to increase the minimum wage. Surely, it is appropriate to send a message on this legislation that increased trade must definitely mean a better quality of life for the working poor.

I had hoped to offer an amendment to this bill to raise the minimum wage. Regrettably, it was perhaps the only vehicle that was going to be left in this year of this particular session. But the majority leader's actions prevented me from doing that. This trade bill has been offered to enhance the standard of living for workers in Africa and the Caribbean. I am certainly in favor of that. But there are honest disagreements as to whether the proposal before us effectively does so.

While we express our concern for the workers in these nations, we cannot forget the workers in our own country. I believe the American people will hold this Congress responsible for refusing to address so many issues which are critical to our families and our communities, and the majority, I believe, has once again turned a deaf ear to the pleas of the American people for action. I regret this latest missed opportunity.

I take this opportunity as we are coming into the final days of this congressional year to express what I know has to be the frustration of about 12 million Americans who had hoped this Congress would have raised the minimum wage, or at least had the opportunity to debate this issue and discuss this issue and consider this issue during this past summer, or this past fall, or even prior to the time that we were going to go into recess. But we have been denied the opportunity to do so. Every legislative possibility has been excluded from us doing so up to this time, and even excluded on this piece of legislation.

I join with all of those who share this enormous frustration and a certain amount of disgust at the way this issue is being treated as we are moving into these final days.

We now have seen some modification or adjustment to prior positions of opposition to any increase in the minimum wage which had been expressed by the Republican leadership in the House and also in the Senate. Now, evidently, there is a bidding war in the House of Representatives—hopefully, it won't take place in the Senate, but certainly in the House of Representatives—about not what we can do for the working poor but how many additional tax breaks we can add on to the minimum wage when we consider it in the House of Representatives.

If we extend the minimum wage over a longer period of time, for some 3 years, actually the benefits that special interests would receive by the tax considerations, which in the House position would reach $100 billion over 10 years, which isn't paid for, the only way you could assume they could be paid for would be out of Social Security because it is not paid for—and the bidding war wants to keep adding that until finally, evidently, the financial interests, which are the most opposed to any increase in the minimum wage, would finally say: All right, let's go ahead because the benefits we are going to receive so exceed and outweigh the modest increase in the increase in the minimum wage that it is worthwhile.

As we are coming to the end of this session, we are finding that this Senate refuses to address an issue which cries out for fairness and decency as the minimum wage slips further and further back for working families at the lower end of the economic ladder, who are in many instances doing such important work as teachers aides in the classrooms of this country, are doing important work in nursing homes and looking after the elderly people, or working in the great buildings of this country at nighttime in order to clean them so the American economy and efficiency can continue during the course of the day, that we have decided in this body evidently that we are going to leave this session granting ourselves a $4,600 pay increase and denying a one dollar-an-hour pay increase for over 11 million of our fellow citizens who are working at the lower rung of the economic ladder. That is not right. That is not fair. That is wrong.

We ask ourselves: Why should this be the case? Certainly we have not heard those who have resisted us in bringing this matter to the floor make the economic argument that, well, this will mean an increase in the numbers of unemployed Americans. They haven't been willing to make that. They have made it at other times, and it was so totally refuted during the last increases in the minimum wage that they evidently are not prepared to come out and debate that issue.

The other argument, that it was going to be an inflator in terms of our general economy, has been refuted completely, as a practical matter. The last time we raised the minimum wage it was demonstrated effectively that there was virtually no increase in the cost of living. We are denied the opportunity of even hearing a well thought out argument for opposing the minimum wage. All we hear is the same, tired, old arguments that have been disproved time in and time out.

What we see as a result is that without the increase in the minimum wage, there is a continued deterioration in the purchasing power of the minimum-wage workers. Even without the minimum wage, if we did not consider it until even 2000 or 2001, we would be back to $4.80 an hour, close to the lowest point in the last 40 years of minimum wage, at a time of unprecedented economic prosperity for everyone except those at the lowest rung of the economic ladder.

We will not even debate the issue. If Members want to vote against it, they can do so, but why deny Members the opportunity to debate the issue and take the time on this particular measure? Members cannot make the argument that it will take a lot of time after what we have gone through in the past days where, effectively, from a parliamentary point of view, we were in a stalemate in the Senate without any amendments being even considered on the trade bill for a number of days.

We could have dealt with this issue in a matter of hours. We are certainly prepared to deal with this issue in a relatively short time period—a few hours if necessary. Obviously, the majority, the Republicans, retain their rights in terms of a very modest increase in the minimum wage, 50 cents next year and 50 cents the following year. That is too high for our Republican friends. We can debate that and at least have the Senate work its will. The position taken by the Republican leadership on the other side has been, if we are going to extend it, they will deny us the opportunity to bring the minimum wage up this year. If we bring it up at the end of the session, we will put it, effectively, well into next year and carry it on to the following year, which will extend it perhaps $1.00 over 5 years.

Still, we will carry on the tax goodies which, over a 10-year period in the proposal recommended by the Republican leadership, will be $100 billion in tax breaks for the special interests. That is what is happening. That is what is so unacceptable.

This morning, there was an excellent editorial in the Washington Post, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 3, 1999]

THE MINIMUM WAGE SQUEEZE

The minimum wage should be increased, and the increase should not become a political football. Unfortunately, there is more than a little risk that it will become a football in the remaining days of the session.

The wage, now $5.15 an hour, was last increased in 1997. The president has proposed taking it up another dollar an hour: 50 cents next Jan. 1 and 50 cents a year thereafter. Republicans and some Democrats would spread the increase over an additional year. That's something reasonable people can disagree about. The wage ought not be allowed to lose ground to inflation, and perhaps in real terms ought to be a set higher than it has been in recent years, though the government powerfully supplements it with the earned-income tax credit, food stamps and other benefits.

The wage itself, however, has become almost a secondary issue. Those sponsoring a slower increase also want to use the bill as a vehicle for some of the tax cuts the president vetoed earlier in the year. Ostensibly, these are to make whole the smaller businesses that would have to pay the higher wage. But the data suggest that little of the benefit would go to such employers. These are costly cuts in the estate tax, tax treatment of pension set-asides, etc., that would mainly go to people of very high income. No provision is made to offset the costs, which tend to be understated in that early on they would be relatively low and only later begin to rise.

The president has rightly threatened, mainly on these fiscal grounds, to veto the bill. It may well be that the bill will have to include some tax relief to pass, but the relief should be targeted and paid for. The gatekeepers seek too heavy a toll. The price of a bill to help the working poor ought not be an indiscriminate tax cut for those at the very top of the economic mountain.

Mr. KENNEDY. This article reminds everyone how the interests of some of the hardest working Americans are being toyed with by the Republican leadership. They say maybe we will add a little more in terms of tax breaks if we consider the increase in the minimum wage.

This increase is a matter of enormous importance and consequence for the people receiving it. Sixty percent are women; over 75 percent of minimum wage workers heading up families are women. It is an issue in terms of children. It is a family issue. It is an issue relating to men and women of color since one-third of those who receive the minimum wage are men and women of color. It is a civil rights issue, a family issue, a children's issue, a women's issue. It is a fairness issue. Yet we are denied it.

How quickly this institution went ahead with a $4,600-per-year increase for their pay while denying this side the opportunity to vote on 50 cents an hour over each of the next two years for the minimum-wage worker, an increase of $2,000 a year for people working at the lower end of the economic ladder. Yet, $4,600 for the Members of Congress.

It is wrong to play with the life and the well-being of these workers. They are being toyed with by considering how much in additional tax breaks we will provide for special interests. That is what the bidding is that is going on. It is not the Congress or leadership acting in these workers' best interest.

What does $2,000 mean to a minimum-wage family? The two increments, of 50 cents each, mean 7 months' of grocery. That means a lot to a family. It is 5 months of rent. It is 10 months of utilities. It is 18 months of tuition and fees at a 2-year college for a family of four living on the minimum wage.

While many parts of our country have experienced the economic boom, we have found another very important area of need for minimum-wage workers: Housing. In so many areas of this country, the housing costs have gone off the chart and are virtually out of the reach of the minimum-wage workers. The hours a minimum-wage worker would have to work in Boston for a one-room apartment—100 a week. It is absolutely impossible to understand why we are not dealing with this issue.

This chart/table shows what happened when we had the increase in the minimum wage in 1996 and 1997. The unemployment rates continued to go down. This is true in the industry that has expressed the greatest reservation about a minimum-wage increase, the restaurant industry. They have increased their total workers by 400,000 over the period since the last increase in the minimum wage. They are out here day in and day out trying to undermine and lobby against the increase in the minimum wage.

This is not just an issue in which Democrats are interested, although we are interested in and we are committed to it. I daresay if we had a vote on an increase in the minimum wage, the way we have identified it, we would get virtually every member of our party and perhaps a few courageous Republicans as well.

This is what Business Week says about the increase in the minimum wage:

Old myths die hard. Old economic theories die even harder . . . higher minimum wages are supposed to lead to fewer jobs. Not today. In a fast-growth, low-inflation economy, higher minimum wages raise income, not unemployment.

This is from Business Week—not a labor organization, although they would agree—from Business Week, which understands it. They have probably reviewed carefully what happened in the State of Oregon that now has the highest minimum wage with the largest growth rate in terms of reduction of unemployment when they introduced the minimum wage. Why? Because people not working went into the labor market, it created more economic activity, and they paid more in taxes. The whole economy moved along together. We are glad to debate it if people want to dispute that.

What does this mean in people's lives?

Melissa Albis lives in North Adams, MA. She works for the local Burger King for $5.25 an hour. She has five children all under 12. She is struggling to pay her $550-a-month rent and is looking for less expensive housing because she fears she and her children will be evicted if she cannot earn more.

Cathi Zeman, 52 years old, works at the Rite Aid in Canonsburg, PA, a town near Pittsburgh. She earns $5.68 an hour: Base pay of $5.43, plus .25 for being a ''key carrier.'' Her husband has a heart condition and is only able to work sporadically, so she is the primary earner in her family. An increase in minimum wage means a lot to Cathi.

Shirley Briggs is a senior citizen living near Williamstown, MA. Her husband passed away in 1982, and even though she has arthritis, she works for $5.50 an hour to try to make ends meet. Even with supplement income and Social Security, she has trouble paying for medicine. ''My income is not enough to live.'' Minimum wage means a lot to Shirley.

Dianne Mitchell testified in June 1998 that she made $5.90 an hour at a laundry in Brockton, MA. For Dianne, with three daughters and a granddaughter, living on minimum wage is nerve-wracking. She is ''always juggling food and utilities,'' even having to choose one over the other. An increase in the minimum wage would give women like Dianne peace of mind—they could provide for their families.

Cordelia Bradley testified at a Senate forum last year she was working at a clothing chain store outside of Philadelphia. She and her son lived in a rented room for $300 a month. She hoped to have her own apartment, but at the current minimum wage that goal was out of reach.

Kimberly Frazier, also from Philadelphia, testified she was a full-time child care aide earning $5.20. A child care aide, how many times are we going to hear long speeches about children and looking out for children; children are our future; we need to do more caring for children. Kimberly Frazier is earning $5.20 an hour as a full-time child care aide. With three children, her pay barely covers the bills for rent, food, utilities, and clothes for her children. For Kimberly and her family, a pay increase of $1 an hour could make a real difference.

This is enormously important to individuals. Republicans want to see how little they can do for the workers, and how much, evidently, they can do for the corporations and special interests. You cannot look at the conduct of leadership in these last 4 weeks and not

understand that is what is happening. The workers are being nickled and dimed. This is absolutely unacceptable.

We are going to continue. The days are going down, the hours are going down, but we are resolute in our determination, and we are not going to have a bidding war out here on the floor of the Senate on this issue. We are not going to permit the toying with the lives of American workers who are playing by the rules, working 40 hours a week, 52 weeks a year, who want to provide for their children. They should not have to live in poverty in the United States of America. By denying us the opportunity to do something about this, the leadership, Republican leadership, is denying us a chance to deal with that issue, and it is fundamentally and basically wrong.

I will speak just briefly on another matter.

In passing the Norwood-Dingell bill, a large bipartisan majority in the House voted for strong patient protections against abuses by HMOs. Despite an extraordinary lobbying and disinformation campaign by the health insurance industry, the House approved the bill by a solid majority of 275 to 151. Mr. President, 68 Republicans as well as almost every Democrat in the House stood up for patients and stood up against industry pressure.

Now the insurance industry and its friends in the Republican leadership are at it again. Their emerging strategy is, once again, to delay and deny relief that American families need and that the House overwhelmingly approved. Every indication is that the intention of the Republican leadership is to see that this legislation, as it passed the House of Representatives, will not reach the President for his signature.

According to the Los Angeles Times, Senator LOTT's response to the passage of the House bill is that the House-Senate conferences on other legislation have a higher priority and resolving the differences on this bill will take some time.

According to the Baltimore Sun, Senator LOTT also indicated Congress might not have the time to work out differences or approve a final bill before it adjourns for the year. Senator NICKLES said the conference committee will probably not begin serious work until early next year.

I say: Why don't we consider the House bill—the bill that passed the House overwhelmingly with 68 Republicans—a bipartisan bill with Democrats and Republicans working together? Why don't we pass that in the Senate this afternoon? We could do that. I certainly urge that we go ahead and do that today. Every day we fail to pass the Patients' Bill of Rights, we are permitting insurance company accountants to make medical decisions that doctors and nurses and other trained medical personnel should have the opportunity to make. That is why the Patients' Bill of Rights is so important.

We believe that medical professionals, trained, dedicated and committed to their patients, should make those decisions, not accountants. This chart shows what we will see as long as we permit accountants to make health care decisions. We are going to see about 35,000 patients every single day will have needed care delayed. Specialty referrals will be denied to 35,000 patients. It may be that a child with cancer will see a pediatrician but doesn't get the necessary referral to see a pediatric oncologist. Mr. President, 31,000 patients are forced to change doctors every day; 18,000 are forced to change medication because the HMOs refused to reimburse the medicine their physician prescribed. The final result is that 59,000 Americans every day experience unnecessary added pain and suffering; 41,000 Americans see their conditions worsen every day that we fail to act.

We still have time to act in the final days of this session. Republicans are beginning to lay the groundwork for a failed conference. Comparing the Senate and House bills, Congressman BILL THOMAS says you don't see many crossbreeds between Chihuahuas and Great Danes walking around. That is quite a quote—we don't see many crossbreeds between Chihuahuas and Great Danes walking around.

I say, let's do what every health care professional organization in the United States has urged us to do, and pass the House bill. I am still waiting for the other side to list one major or minor health organization that supports their proposal: Zero, none, none. Every one of them—every doctors' organization, patients' organization, nursing organization, children's organization, women's health organization, consumer organization—supports our proposal.

Here is how Bruce Johnston of the U.S. Chamber of Commerce put it:

> To see nothing come out of the conference is my hope. The best outcome is no outcome. But if the strategy of delay and denial ultimately breaks down, the Republican leadership once again has an alternative to try to weaken the House bill as much as possible.

As the Baltimore Sun reported:

> The House majority whip suggested the Republican-dominated House conference would not fight vigorously for the House-approved measure in the conference committee. Mr. DeLay said, ''Remember who controls the conference: the Speaker of the House.''

That ought to give a lot of satisfaction to parents who are concerned about health care for their children. It ought to give a lot of satisfaction to the doctors who are trying to provide the best health care. This is what the House majority whip suggested: Remember who controls the conference: the Speaker of the House—unalterably opposed to the program.

The conference that produces legislation that looks like the Senate Republican bill will break faith with the American people, make a mockery of the overwhelming vote in the House of Representatives, and cause unnecessary suffering for millions of patients. Every day we delay in passing meaningful reforms means more patients will suffer and die.

Finally, I do not think, when we consider minimum wage and consider health, we have addressed these issues in the last few days. These are the matters about which most families are concerned. These are the issues they want addressed. The Republican leadership is considering what they will do on the bankruptcy issue. We have seen great economic prosperity. Do you know who is going bankrupt, by and large? It is the men and women who have lost out in the mergers, the supermergers that have brought extraordinary wealth and accumulation of wealth to individual stockholders. It is families who have had to pay increased costs for prescription drugs. It is women who are not receiving their alimony payments or women who are not getting child care support—there are some 400,000 of them. These are the individuals who are going into bankruptcy. Their needs should be protected.

We have to ask ourselves, if we are going to call bankruptcy up, why aren't we dealing with minimum wage? Why aren't we working on the Patients' Bill of Rights? Why are we not coming to grips with these issues, which are at the center of every working family's hopes and dreams.

In the months since the House passed the Norwood-Dingell bill and the Republican leadership has failed to allow a conference to proceed, 1 million patients have had needed care delayed; 1 million patients have been denied or delayed referral to a specialist; 940,000 patients have been forced to change doctors; more than 535,000 patients have been forced to change medication; Mr. President, 1.8 million patients have experienced added pain and suffering as a result of health plan abuses, and 1.2 million patients have seen their conditions worsen because of health plan abuses.

In the final days of this Congress, we can still take some important steps that will have a direct impact on the well-being of families who are at the lower end of the economic ladder. We can still take important steps that will have a direct impact on families who are faced with health care challenges. We can have a positive impact. We have had the hearings. We have had the debates. We have had the deliberations. All we need is to have the vote the way the House of Representatives had the vote. We can pass what has been a bipartisan bill in the House of Representatives in a matter of a few short hours.

The Republican leadership has waited a month since the House bill was passed to start this conference, effectively pushing action to next February at the earliest. Today is another litmus test of their intention with the appointment of House conferees. We expect those conferees to be stacked against meaningful reform.

We are prepared to participate in a fair conference, and we are willing to

enter into a reasonable compromise, but we are sending notice today that we will not tolerate a charade designed only to protect insurance company profits while patients continue to suffer. We will come back to this issue over and over until the American people prevail.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2408

Mr. FEINGOLD. Mr. President, I would like to very much thank the chairman and manager of the bill for accepting amendment No. 2408, which I offered and was cosponsored by Senator DURBIN of Illinois, with regard to anticorruption efforts and the desire to do something about the fact that bribery is an important problem worldwide. It poisons the business environment and distorts the normal practices of the marketplace. Bribery undermines democracy and leads to a lower global economy, and when corruption goes unchecked, everybody loses.

To pass the U.S. trade package without addressing corruption simply doesn't make sense, particularly if the package claims to actually promote growth and opportunity in Africa. Of the 16 sub-Saharan African states rated in the Transparency International 1999 Corruption Perception Index, 12 ranked in the bottom half.

The amendment Senator DURBIN and I have offered expresses a sense of Congress that the United States should encourage the accession of sub-Saharan African companies to the OECD Convention combating bribery of foreign officials in international business transactions. The OECD Convention criminalizes bribery of foreign officials to influence or retain business. Some have had said OECD standards are too demanding for the developing economies of Africa. But if we are going to engage in a new economic partnership with Africa, I think we need to leave this double standard behind. Transparency, integrity, and the rule of law are as important in Mali and Botswana as they are right here at home.

Ever since Congress passed the Foreign Corrupt Practices Act of 1977, under the leadership of one of my predecessors, Senator William Proxmire of Wisconsin, we have shared a consensus in this country that economic relations depend upon a foundation of fair play. This amendment incorporates that reality in African trade regulations. This anticorruption amendment also sends an important signal. It tells sub-Saharan states that responsibilities come with benefits in any trade partnership. If this Congress is serious about engaging Africa economically, we have to make these responsibilities crystal clear.

I, again, thank the Chair for accepting this amendment. I also commend Senator DURBIN, who has taken the lead—and I joined him—on another amendment having to do with this corruption issue. I am hopeful and optimistic that item will be accepted as well.

We have provided two different important provisions that will move forward with regard to the corruption problem in general and specifically with regard to the African nations.

AMENDMENT NO. 2409

(Purpose: To establish priorities for providing development assistance)

Mr. FEINGOLD. Mr. President, with regard to amendment No. 2409, I urge Members to look at the Statement of Policy in the text of the African Growth and Opportunity Act. In this section the bill asserts congressional support for a series of noble causes, such as supporting the development of civil societies and political freedom in the region, and focusing on countries committed to accountable government and the eradication of poverty.

But then those causes seem to disappear. The implication is that the United States plans to support for these worthy goals—goals that are in our own self-interest—through a series of limited trade benefits.

Nowhere does AGOA mention the role that development assistance plays in pursuing the very ends that it advocates—the eradication of poverty and the development of civil society.

This omission sends an alarming signal. It suggests that the United States may delude itself into thinking that trade alone will stimulate African development.

Trade alone cannot address the crippling effects of the HIV/AIDS epidemic, which has lowered life expectancies by as much as seventeen years in some African countries. Striking at the most productive segment of society—young adults—HIV/AIDS has dealt a brutal blow to African economic development, and has left a generation of orphans in its wake.

And trade alone will not provide sufficient access to education or to reproductive health services for African women—yet both elements are crucial to developing Africa's human resources.

This amendment expresses a sense of Congress that the HIV/AIDS epidemic and chronic food insecurity should be key priorities in U.S. assistance to Africa. It also prioritizes voluntary family planning services, including access to prenatal healthcare; education and vocational training, particularly for women; and programs designed to develop income-generating opportunities, such as micro-credit projects.

This amendment also mandates that the Development Fund for Africa be reestablished for aid authorized specifically for African-related objectives. The DFA allows USAID more flexibility in its Africa program. Perhaps most importantly, it is symbolic of U.S. commitment to African development.

In addition, my amendment requires USAID to submit a report to help the United States to get smarter about how it administers development assistance, and will ensure that our assistance fosters dynamic civil societies across the diverse nations of Africa.

This amendment sends an important signal. Even as the United States considers closer trade relations with sub-Saharan Africa, this country will not abandon its commitment to responsible and well-monitored development assistance.

Mr. President, I understand that a point of order is likely to be raised to this amendment. I understand the consequence of that. But I want to offer the amendment. I call up amendment No. 2409.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) proposes an amendment numbered 2409.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE ____—DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICAN COUNTRIES

SEC. ___01. FINDINGS.

(a) IN GENERAL.—Congress makes the following findings:

(1) In addition to drought and famine, the HIV/AIDS epidemic has caused countless deaths and untold suffering among the people of sub-Saharan Africa.

(2) The Food and Agricultural Organization estimates that 543,000,000 people, representing nearly 40 percent of the population of sub-Saharan Africa, are chronically undernourished.

(b) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—Section 496(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(a)(1)) is amended by striking ''drought and famine'' and inserting ''drought, famine, and the HIV/AIDS epidemic''.

SEC. ___02. PRIVATE AND VOLUNTARY ORGANIZATIONS.

Section 496(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) CAPACITY BUILDING.—In addition to assistance provided under subsection (h), the United States Agency for International Development shall provide capacity building assistance through participatory planning to private and voluntary organizations that are involved in providing assistance for sub-Saharan Africa under this chapter.''.

SEC. ___03. TYPES OF ASSISTANCE.

Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended by adding at the end the following:

''(4) PROHIBITION ON MILITARY ASSISTANCE.—Assistance under this section—

''(A) may not include military training or weapons; and

''(B) may not be obligated or expended for military training or the procurement of weapons.''.

SEC. ___04. CRITICAL SECTORAL PRIORITIES.

(a) AGRICULTURE, FOOD SECURITY AND NATURAL RESOURCES.—Section 496(i)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(1)) is amended—

(1) in the heading, to read as follows:

''(1) AGRICULTURE, FOOD SECURITY AND NATURAL RESOURCES.—'';

(2) in subparagraph (A)—

(A) in the heading, to read as follows:

''(A) AGRICULTURE AND FOOD SECURITY.—'';

(B) in the first sentence—

(i) by striking ''agricultural production in ways'' and inserting ''food security by promoting agriculture policies''; and

(ii) by striking '', especially food production,''; and

(3) in subparagraph (B), in the matter preceding clause (i), by striking ''agricultural production'' and inserting ''food security and sustainable resource use''.

(b) HEALTH.—Section 496(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(2)) is amended by striking ''(including displaced children)'' and inserting ''(including displaced children and improving HIV/AIDS prevention and treatment programs)''.

(c) VOLUNTARY FAMILY PLANNING SERVICES.—Section 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(3)) is amended by adding at the end before the period the following: ''and access to prenatal healthcare''.

(d) EDUCATION.—Section 496(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(4)) is amended by adding at the end before the period the following: ''and vocational education, with particular emphasis on primary education and vocational education for women''.

(e) INCOME-GENERATING OPPORTUNITIES.—Section 496(i)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(5)) is amended—

(1) by striking ''labor-intensive''; and

(2) by adding at the end before the period the following: '', including development of manufacturing and processing industries and microcredit projects''.

SEC. ___05. REPORTING REQUIREMENTS.

Section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) is amended by adding at the end the following:

''(p) REPORTING REQUIREMENTS.—The Administrator of the United States Agency for International Development shall, on a semiannual basis, prepare and submit to Congress a report containing—

''(1) a description of how, and the extent to which, the Agency has consulted with nongovernmental organizations in sub-Saharan Africa regarding the use of amounts made available for sub-Saharan African countries under this chapter;

''(2) the extent to which the provision of such amounts has been successful in increasing food security and access to health and education services among the people of sub-Saharan Africa;

''(3) the extent to which the provision of such amounts has been successful in capacity building among local nongovernmental organizations; and

''(4) a description of how, and the extent to which, the provision of such amounts has furthered the goals of sustainable economic and agricultural development, gender equity, environmental protection, and respect for workers' rights in sub-Saharan Africa.''.

SEC. ___06. SEPARATE ACCOUNT FOR DEVELOPMENT FUND FOR AFRICA.

Amounts appropriated to the Development Fund for Africa shall be appropriated to a separate account under the heading ''Development Fund for Africa'' and not to the account under the heading ''Development Assistance''.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I object to this amendment on the grounds that the Senator's amendment is inconsistent with the unanimous consent setting the terms of this debate. I appreciate the distinguished Senator's interest in this matter.

I make a point of order the amendment is not within the jurisdiction of the Finance Committee. It seems to me the appropriate place to debate this is in the context of the foreign operations appropriations bill or a foreign relations bill. For these reasons, I urge my friend to withdraw this amendment.

The PRESIDING OFFICER. The Senator's point is well taken and the amendment falls.

Mr. FEINGOLD. In light of the concerns raised by the chairman, I will withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. ROTH. On the first matter dealing with the anticorruption, we are in agreement. I congratulate and thank the Senator for his leadership in this matter. Because of his interest, as well as others, we are including a specific anticorruption provision in the managers' amendment.

I thank the distinguished Senator for his cooperation.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent the Wellstone amendment be temporarily laid aside so that I may proceed with another amendment.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

AMENDMENT NO. 2347, AS MODIFIED

Mr. SPECTER. Mr. President, I am sending an amendment to the desk on behalf of Senator BYRD, Senator HATCH, Senator HOLLINGS, Senator HELMS, Senator SANTORUM, and myself relating to a private right of action. I ask it be immediately considered.

The PRESIDING OFFICER. I am informed by the Parliamentarian the Senator can only call up an amendment that has been filed.

Mr. SPECTER. This amendment has been filed.

The PRESIDING OFFICER. Does the Senator have the number?

Mr. ROTH. I give the Senator permission to make modifications, if that is necessary.

Mr. SPECTER. Mr. President, as I have discussed with the distinguished chairman of the committee, it is amendment No. 2347. There have been two minor changes made which I have discussed with the distinguished chairman of the committee.

The PRESIDING OFFICER. The Chair notifies the Senator it takes a unanimous consent to modify the amendment.

Mr. SPECTER. I ask unanimous consent to modify the amendment. The modifications are minor.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2347), as modified, is as follows:

At the appropriate place, insert the following new title:

TITLE ___—PRIVATE RIGHT OF ACTION FOR DUMPED AND SUBSIDIZED MERCHANDISE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Unfair Foreign Competition Act of 1999''.

SEC. ___02. PRIVATE ACTIONS FOR RELIEF FROM UNFAIR FOREIGN COMPETITION.

(a) ACTION FOR DUMPING VIOLATIONS.—Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

''SEC. 801. IMPORTATION OR SALE OF ARTICLES AT LESS THAN FOREIGN MARKET VALUE OR CONSTRUCTED VALUE.

''(a) PROHIBITION.—No person shall import into, or sell within, the United States an article manufactured or produced in a foreign country if—

''(1) the article is imported or sold within the United States at a United States price that is less than the foreign market value or constructed value of the article; and

''(2) the importation or sale—

''(A) causes or threatens to cause material injury to industry or labor in the United States; or

''(B) prevents, in whole or in part, the establishment or modernization of any industry in the United States.

''(b) CIVIL ACTION.—An interested party whose business or property is injured by reason of an importation or sale of an article in violation of this section may bring a civil action in the United States District Court for the District of Columbia Circuit against any person who—

''(1) manufactures, produces, or exports the article; or

''(2) imports the article into the United States if the person is related to the manufacturer or exporter of the article.

''(c) RELIEF.—

''(1) IN GENERAL.—Upon an affirmative determination by the United States District Court for the District of Columbia Circuit in an action brought under subsection (b), the court shall issue an order that includes a description of the subject article in such detail as the court deems necessary and shall—

''(A) direct the Customs Service to assess an antidumping duty on the article covered by the determination in accordance with section 736(a) of the Tariff Act of 1930 (19 U.S.C. 1673e); and

''(B) require the deposit of estimated antidumping duties pending liquidation of entries of the article at the same time as estimated normal customs duties on that article are deposited.

''(d) STANDARD OF PROOF.—

''(1) PREPONDERANCE OF EVIDENCE.—The standard of proof in an action brought under subsection (b) is a preponderance of the evidence.

''(2) SHIFT OF BURDEN OF PROOF.—Upon—

''(A) a prima facie showing of the elements set forth in subsection (a), or

''(B) affirmative final determinations adverse to the defendant that are made by the administering authority and the United States International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the manufacturer of the article is located,

the burden of proof in an action brought under subsection (b) shall be upon the defendant.

''(e) OTHER PARTIES.—

''(1) IN GENERAL.—Whenever, in an action brought under subsection (b), it appears to the court that justice requires that other parties be brought before the court, the court may cause them to be summoned, without regard to where they reside, and the subpoenas to that end may be served and enforced in any judicial district of the United States.

''(2) SERVICE ON DISTRICT DIRECTOR OF CUSTOMS SERVICE.—A foreign manufacturer, producer, or exporter that sells articles, or for whom articles are sold by another party in the United States, shall be treated as having appointed the District Director of the United States Customs Service for the port through which the article that is the subject of the action is commonly imported as the true and lawful agent of the manufacturer, producer, or exporter, and all lawful process may be served on the District Director in any action brought under subsection (b) against the manufacturer, producer, or exporter.

''(f) LIMITATION.—

''(1) STATUTE OF LIMITATION.—An action under subsection (b) shall be commenced not later than 4 years after the date on which the cause of action accrues.

''(2) SUSPENSION.—The 4-year period provided for in paragraph (1) shall be suspended—

''(A) while there is pending an administrative proceeding under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.) relating to the article that is the subject of the action or an appeal of a final determination in such a proceeding; and

''(B) for 1 year thereafter.

''(g) NONCOMPLIANCE WITH COURT ORDER.—If a defendant in an action brought under subsection (b) fails to comply with any discovery order or other order or decree of the court, the court may—

''(1) enjoin the further importation into, or the sale or distribution within, the United States by the defendant of articles that are the same as, or similar to, the articles that are alleged in the action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with the order or decree; or

''(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

''(h) CONFIDENTIALITY AND PRIVILEGED STATUS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be maintained in any action brought under subsection (b).

''(2) EXCEPTION.—In an action brought under subsection (b) the court may—

''(A) examine, in camera, any confidential or privileged material;

''(B) accept depositions, documents, affidavits, or other evidence under seal; and

''(C) disclose such material under such terms and conditions as the court may order.

''(i) EXPEDITION OF ACTION.—An action brought under subsection (b) shall be advanced on the docket and expedited in every way possible.

''(j) DEFINITIONS.—In this section, the terms 'United States price', 'foreign market value', 'constructed value', 'subsidy', 'interested party', and 'material injury', have the meanings given those terms under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

''(k) INTERVENTION BY THE UNITED STATES.—The court shall permit the United States to intervene in any action brought under subsection (b) as a matter of right. The United States shall have all the rights of a party to such action.

''(l) NULLIFICATION OF ORDER.—An order by a court under this section may be set aside by the President pursuant to section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).''.

(b) ACTION FOR SUBSIDIES VIOLATIONS.—Title VIII of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 71 et seq.) is amended by adding at the end the following new section:

''SEC. 807. IMPORTATION OR SALE OF SUBSIDIZED ARTICLES.

''(a) PROHIBITION.—No person shall import into, or sell within, the United States an article manufactured or produced in a foreign country if—

''(1) the foreign country, any person who is a citizen or national of the foreign country, or a corporation, association, or other organization organized in the foreign country, is providing (directly or indirectly) a subsidy with respect to the manufacture, production, or exportation of the article; and

''(2) the importation or sale—

''(A) causes or threatens to cause material injury to industry or labor in the United States; or

''(B) prevents, in whole or in part, the establishment or modernization of any industry in the United States.

''(b) CIVIL ACTION.—An interested party whose business or property is injured by reason of the importation or sale of an article in violation of this section may bring a civil action in the United States District Court for the District of Columbia Circuit against any person who—

''(1) manufactures, produces, or exports the article; or

''(2) imports the article into the United States if the person is related to the manufacturer, producer, or exporter of the article.

''(c) RELIEF.—

''(1) IN GENERAL.—Upon an affirmative determination by the United States District Court for the District of Columbia Circuit in an action brought under subsection (b), the court shall issue an order that includes a description of the subject article in such detail as the court deems necessary and shall—

''(A) direct the Customs Service to assess a countervailing duty on the article covered by the determination in accordance with section 706(a) of the Tariff Act of 1930 (19 U.S.C. 1671e); and

''(B) require the deposit of estimated countervailing duties pending liquidation of entries of the article at the same time as estimated normal customs duties on that article are deposited.

''(d) STANDARD OF PROOF.—

''(1) PREPONDERANCE OF EVIDENCE.—The standard of proof in an action filed under subsection (b) is a preponderance of the evidence.

''(2) SHIFT OF BURDEN OF PROOF.—Upon—

''(A) a prima facie showing of the elements set forth in subsection (a), or

''(B) affirmative final determinations adverse to the defendant that are made by the administering authority and the United States International Trade Commission under section 705 of the Tariff Act of 1930 (19 U.S.C. 1671d) relating to imports of the article in question from the country in which the manufacturer of the article is located,

the burden of proof in an action brought under subsection (b) shall be upon the defendant.

''(e) OTHER PARTIES.—

''(1) IN GENERAL.—Whenever, in an action brought under subsection (b), it appears to the court that justice requires that other parties be brought before the court, the court may cause them to be summoned, without regard to where they reside, and the subpoenas to that end may be served and enforced in any judicial district of the United States.

''(2) SERVICE ON DISTRICT DIRECTOR OF CUSTOMS SERVICE.—A foreign manufacturer, producer, or exporter that sells articles, or for which articles are sold by another party in the United States, shall be treated as having appointed the District Director of the United States Customs Service for the port through which the article that is the subject of the action is commonly imported as the true and lawful agent of the manufacturer, producer, or exporter, and all lawful process may be served on the District Director in any action brought under subsection (b) against the manufacturer, producer, or exporter.

''(f) LIMITATION.—

''(1) STATUTE OF LIMITATIONS.—An action under subsection (b) shall be commenced not later than 4 years after the date on which the cause of action accrues.

''(2) SUSPENSION.—The 4-year period provided for in paragraph (1) shall be suspended—

''(A) while there is pending an administrative proceeding under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) relating to the article that is the subject of the action or an appeal of a final determination in such a proceeding; and

''(B) for 1 year thereafter.

''(g) NONCOMPLIANCE WITH COURT ORDER.—If a defendant in an action brought under subsection (b) fails to comply with any discovery order or other order or decree of the court, the court may—

''(1) enjoin the further importation into, or the sale or distribution within, the United States by the defendant of articles that are the same as, or similar to, the articles that are alleged in the action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with the order or decree; or

''(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

''(h) CONFIDENTIALITY AND PRIVILEGED STATUS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be maintained in any action brought under subsection (b).

''(2) EXCEPTION.—In an action brought under subsection (b) the court may—

''(A) examine, in camera, any confidential or privileged material;

''(B) accept depositions, documents, affidavits, or other evidence under seal; and

''(C) disclose such material under such terms and conditions as the court may order.

''(i) EXPEDITION OF ACTION.—An action brought under subsection (b) shall be advanced on the docket and expedited in every way possible.

''(j) DEFINITIONS.—In this section, the terms 'subsidy', 'material injury', and 'interested party' have the meanings given those terms under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

''(k) INTERVENTION BY THE UNITED STATES.—The court shall permit the United States to intervene in any action brought under subsection (b) as a matter of right.

The United States shall have all the rights of a party to such action.

''(l) NULLIFICATION OF ORDER.—An order by a court under this section may be set aside by the President pursuant to section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).''.

(c) ACTION FOR CUSTOMS FRAUD.—

(1) AMENDMENT OF TITLE 28, UNITED STATES CODE.—Chapter 95 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1586. Private enforcement action for customs fraud

''(a) CIVIL ACTION.—An interested party whose business or property is injured by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592(a)) may bring a civil action in the United States District Court for the District of Columbia Circuit, without respect to the amount in controversy.

''(b) RELIEF.—Upon proof by an interested party that the business or property of such interested party has been injured by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930, the interested party shall—

''(1)(A) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into the United States of the merchandise in question; or

''(B) if injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained; and

''(2) recover the costs of suit, including reasonable attorney's fees.

''(c) DEFINITIONS.—For purposes of this section:

''(1) INTERESTED PARTY.—The term 'interested party' means—

''(A) a manufacturer, producer, or wholesaler in the United States of like or competing merchandise; or

''(B) a trade or business association a majority of whose members manufacture, produce, or wholesale like merchandise or competing merchandise in the United States.

''(2) LIKE MERCHANDISE.—The term 'like merchandise' means merchandise that is like, or in the absence of like, most similar in characteristics and users with, merchandise being imported into the United States in violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592(a)).

''(3) COMPETING MERCHANDISE.—The term 'competing merchandise' means merchandise that competes with or is a substitute for merchandise being imported into the United States in violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592(a)).

''(d) INTERVENTION BY THE UNITED STATES.—The court shall permit the United States to intervene in an action brought under this section, as a matter of right. The United States shall have all the rights of a party.

''(e) NULLIFICATION OF ORDER.—An order by a court under this section may be set aside by the President pursuant to section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).''.

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 95 of title 28, United States Code, is amended by adding at the end the following new item:

''1586. Private enforcement action for customs fraud.''.

SEC. ___03. AMENDMENTS TO THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) is amended by inserting after section 753 the following new section:

''SEC. 754. CONTINUED DUMPING AND SUBSIDY OFFSET.

''(a) IN GENERAL.—Duties assessed pursuant to a countervailing duty order, an antidumping duty order, or a finding under the Antidumping Act of 1921 shall be distributed on an annual basis under this section to workers for damages sustained for loss of wages resulting from the loss of jobs, and to the affected domestic producers for qualifying expenditures. Such distribution shall be known as the 'continued dumping and subsidy offset'.

''(b) DEFINITIONS.—As used in this section:

''(1) AFFECTED DOMESTIC PRODUCER.—The term 'affected domestic producer' means any manufacturer, producer, farmer, rancher, or worker representative (including associations of such persons) that—

''(A) was a petitioner or interested party in support of the petition with respect to which an antidumping duty order, a finding under the Antidumping Act of 1921, or a countervailing duty order has been entered, and

''(B) remains in operation.

Companies, businesses, or persons that have ceased the production of the product covered by the order or finding or who have been acquired by a company or business that is related to a company that opposed the investigation shall not be an affected domestic producer.

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Customs.

''(3) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

''(4) QUALIFYING EXPENDITURE.—The term 'qualifying expenditure' means an expenditure incurred after the issuance of the antidumping duty finding or order or countervailing duty order in any of the following categories:

''(A) Plant.

''(B) Equipment.

''(C) Research and development.

''(D) Personnel training.

''(E) Acquisition of technology.

''(F) Health care benefits to employees paid for by the employer.

''(G) Pension benefits to employees paid for by the employer.

''(H) Environmental equipment, training, or technology.

''(I) Acquisition of raw materials and other inputs.

''(J) Borrowed working capital or other funds needed to maintain production.

''(5) RELATED TO.—A company, business, or person shall be considered to be 'related to' another company, business, or person if—

''(A) the company, business, or person directly or indirectly controls or is controlled by the other company, business, or person,

''(B) a third party directly or indirectly controls both companies, businesses, or persons,

''(C) both companies, businesses, or persons directly or indirectly control a third party and there is reason to believe that the relationship causes the first company, business, or persons to act differently than a nonrelated party.

For purposes of this paragraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.

''(6) WORKERS.—The term 'workers' refers to persons who sustained damages for loss of wages resulting from loss of jobs. The Secretary of Labor shall determine eligibility for purposes of this section.

''(c) DISTRIBUTION PROCEDURES.—The Commissioner in consultation with the Secretary of Labor shall prescribe procedures for distribution of the continued dumping or subsidies offset required by this section. Such distribution shall be made not later than 60 days after the first day of a fiscal year from duties assessed during the preceding fiscal year.

''(d) PARTIES ELIGIBLE FOR DISTRIBUTION OF ANTIDUMPING AND COUNTERVAILING DUTIES ASSESSED.—

''(1) LIST OF WORKERS AND AFFECTED DOMESTIC PRODUCERS.—The Commission shall forward to the Commissioner within 60 days after the effective date of this section in the case of orders or findings in effect on such effective date, or in any other case, within 60 days after the date an antidumping or countervailing duty order or finding is issued, a list of petitioners and persons with respect to each order and finding and a list of persons that indicate support of the petition by letter or through questionnaire response. In those cases in which a determination of injury was not required or the Commission's records do not permit an identification of those in support of a petition, the Commission shall consult with the administering authority to determine the identity of the petitioner and those domestic parties who have entered appearances during administrative reviews conducted by the administering authority under section 751.

''(2) PUBLICATION OF LIST; CERTIFICATION.—The Commissioner shall publish in the Federal Register at least 30 days before the distribution of a continued dumping and subsidy offset, a notice of intention to distribute the offset and the list of workers and affected domestic producers potentially eligible for the distribution based on the list obtained from the Commission under paragraph (1). The Commissioner shall request a certification from each potentially eligible affected domestic producer—

''(A) that the producer desires to receive a distribution;

''(B) that the producer is eligible to receive the distribution as an affected domestic producer; and

''(C) the qualifying expenditures incurred by the producer since the issuance of the order or finding for which distribution under this section has not previously been made.

''(3) DISTRIBUTION OF FUNDS.—The Commissioner in consultation with the Secretary of Labor shall distribute all funds (including all interest earned on the funds) from assessed duties received in the preceding fiscal year to workers and to the affected domestic producers based on the certifications described in paragraph (2). The distributions shall be made on a pro rata basis based on new and remaining qualifying expenditures.

''(e) SPECIAL ACCOUNTS.—

''(1) ESTABLISHMENTS.—Within 14 days after the effective date of this section, with respect to antidumping duty orders and findings and countervailing duty orders in effect on the effective date of this section, and within 14 days after the date an antidumping duty order or finding or countervailing duty order issued after the effective date takes effect, the Commissioner shall establish in the Treasury of the United States a special account with respect to each such order or finding.

''(2) DEPOSITS INTO ACCOUNTS.—The Commissioner shall deposit into the special accounts, all antidumping or countervailing duties (including interest earned on such duties) that are assessed after the effective date of this section under the antidumping order or finding or the countervailing duty order with respect to which the account was established.

''(3) TIME AND MANNER OF DISTRIBUTIONS.—Consistent with the requirements of subsections (c) and (d), the Commissioner shall by regulation prescribe the time and manner

in which distribution of the funds in a special account shall made.

''(4) TERMINATION.—A special account shall terminate after—

''(A) the order or finding with respect to which the account was established has terminated;

''(B) all entries relating to the order or finding are liquidated and duties assessed collected;

''(C) the Commissioner has provided notice and a final opportunity to obtain distribution pursuant to subsection (c); and

''(D) 90 days has elapsed from the date of the notice described in subparagraph (C).

Amounts not claimed within 90 days of the date of the notice described in subparagraph (C), shall be deposited into the general fund of the Treasury.''.

(b) CONFORMING AMENDMENT.—The table of contents for title VII of the Tariff Act of 1930 is amended by inserting the following new item after the item relating to section 753:

''Sec. 754. Continued dumping and subsidy offset.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to all antidumping and countervailing duty assessments made on or after October 1, 1996.

Mr. SPECTER. Mr. President, as noted, there are two modifications to the amendment. They are minor modifications. One relates to the court which will have jurisdiction. Instead of the Court of International Trade, it will be the U.S. District Court for the District of Columbia. And the second is the striking of language citing antitrust laws, which has been deleted to avoid any possible question as to whether this is a Finance Committee jurisdictional matter and appropriate amendment for this bill.

The essence of this bill is to provide a private right of action to damaged, injured parties when goods are imported into the United States which are dumped in violation of U.S. trade laws and in violation of international trade laws. Many American industries have been decimated as a result of this illegal practice, and the existing remedies are totally insufficient to provide adequate safeguards for the violation of these trade laws.

This bill does not deal with any issue of inappropriate consideration for domestic industries and is really not protectionist, as that term has been traditionally defined. The international trade laws are specific that the goods ought not to be sold in the United States at a lower price than they are sold in the country from which the exports are made and imported into the United States. Our trade laws in the United States preclude dumped goods from coming into this country. International trade laws preclude dumped goods.

This is an approach I have been advocating for more than 17 years now, with my initial bill having been introduced in the 97th Congress, S. 2167, on March 4, 1983. I followed up with similar legislation in the 98th Congress, S. 418 on February 3, 1983; in the 99th Congress, with S. 236; in the 100th Congress, with S. 361; in the 102d Congress, with S. 2508. The thrust has always been the same, that is to provide a private right of action so injured parties could go into Federal court and secure redress on their legal rights because the proceedings through section 201, through the Department of Commerce, through the International Trade Commission, are so long that they are virtually ineffective.

If an injured party goes into the Federal court under the Federal Rules of Civil Procedure, it is possible to get a temporary restraining order on affidavits within 5 days, then a prompt preliminary hearing and a preliminary injunction and prompt equitable proceedings for a permanent injunction.

The initial legislation, which was introduced back in 1982, called for injunctive relief. The pending amendment provides for a remedy of duties or tariffs equal to the amount of the dumping, the difference between what the product would be sold at in the United States compared to what the product is being sold at in the home country.

I have a list of antidumping duty orders in effect on March 1, 1999. I ask unanimous consent this list be printed in the CONGRESSIONAL RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, on the 5 pages which I am submitting, there are some 290 items which are being subjected to the antidumping orders as of March 1 of this year.

Some illustrative provisions: In Argentina, there is a dumping order on carbon steel; as to Bangladesh, a dumping order on cotton shop towels; Belgium, a dumping order on sugar; Canada, a dumping order on red raspberries; Chile, a dumping order on fresh cut flowers; China, a dumping order on garlic. So the list goes on and on and on.

When I testified at the hearing before the Finance Committee in favor of this bill, the Senator from North Dakota, Mr. CONRAD, made a comment that this kind of provision might well be applied to wheat and wheat farmers, where they are subjected to dumping from other countries. I suggest to my colleagues who are listening to this on C-SPAN, or to the staffs, that there is hardly a State—there may be no State—which is unaffected by dumping where goods come in from a foreign country and are sold in the United States at a price lower than they are being sold in the foreign country in violation of U.S. trade laws and in violation of international trade laws.

The remedy has been modified to provide for the duties or tariffs, as I have stated, in order to comply with GATT, because a question had arisen as to whether injunctive relief was appropriate under GATT. I frankly believe it is. But to avoid any problem, the relief has been modified to duties or tariffs.

The difficulty with the proceedings with the existing laws is the tremendous length of time which is taken. For an illustration, there was an antidumping order issued as to salmon. It was initiated on July 10, 1997. The order was finally issued on July 30, 1998—time elapsed, 380 days.

A second illustrative case involved garlic from China, initiated on February 28, 1994; the order issued on November 16, 1994—200 days.

A third illustration, magnesium from Ukraine: Initiated April 26, 1994; the order issued May 12, 1995—360 days.

Hot rolled steel from Japan: The initiation of the action was October 27, 1998; the order issued on June 19, 1999. These are only illustrative of the enormous lapse in time.

Contrasted with what can happen in a court of equity, a temporary restraining order can be issued within 5 days on affidavits, prompt proceedings for preliminary injunctions, prompt proceedings for injunctive relief generally.

The difficulty with existing law is that the decisions are made based upon political considerations and foreign relations, and not based upon what is right for American industries who are being undersold by these dumped goods and have suffered a tremendous loss of employment.

My State, Pennsylvania, has been victimized by dumping for the past 2 decades. Two decades ago, the American steel industry employed some 500,000 individuals. Today that number has dwindled to 160,000, notwithstanding the fact that the American steel industry has spent some $50 billion in modernizing.

Under existing laws, the executive branch has the authority to issue suspension agreements. One illustration of that was a suspension agreement issued on July 13 of this year when Secretary Daley announced the United States and Russia had reached agreements to reduce imports of steel. That was immediately followed by strenuous objections by a number of steel companies operating out of my State, Pennsylvania—Bethlehem Steel, LTV, National Steel Corporation, U.S. Steel Group—where they made strenuous objection to these suspension agreements which undermine the effectiveness and credibility of U.S. trade laws and a rule-based international trade system.

I recall, in 1984, a time when the American steel industry was especially hard hit by imports, dumped imports.

The International Trade Commission had issued an order 3–2 in favor of the position of American Steel. The President had the authority to overrule that decision. Senator Heinz and I then made the rounds and talked to International Trade Representative Brock who agreed that the International Trade Commission order in favor of American Steel should be upheld. We talked to Secretary of Commerce Malcolm Baldrige who similarly agreed. We then talked to Secretary of State George Shultz who disagreed, as did Secretary of Defense Weinberger, with Secretary of State Shultz putting it on

grounds of U.S. foreign policy and Secretary of Defense Weinberger putting it on grounds of U.S. defense policy.

When these matters are left to the executive branch, the executive branch inevitably does a balancing of what is happening in Russia, what is happening in Argentina, what is happening in Japan, what is happening in Korea.

It is certainly true that when the suspension agreements were entered into by Secretary Daley on July 13, 1999, the Russian economy was in a precarious state, but then so were certain aspects of the economy of western Pennsylvania.

The thrust of taking the matter to the courts is that justice will be done in accordance with existing law, contrasted with what the desirability may be for U.S. foreign policy or for U.S. defense policy.

There is stated from time to time a reluctance to take matters to the court, but my own view, having had substantial practice in the Federal courts as well as the State courts, is that is where justice is done. If there is a case that could be made to show there is a violation of U.S. trade laws and foreign trade laws on dumping, those legal principles will be administered by the courts. Where the wheat industry is being victimized by dumping or the steel industry is being victimized by dumping or the sugar industry is being victimized by dumping or the fresh cut flower industry is being victimized by dumping, justice will be done in the Federal courts.

I yield the floor.

EXHIBIT 1

ANTIDUMPING DUTY ORDERS IN EFFECT ON MARCH 1, 1999

[Duty orders revoked by Sunset Review remain in effect until Jan. 1, 2000]

CASE NUM AND COUNTRY	PRODUCT	DAT INI
A–357–007 ARGENTINA	CARBON STEEL WIRE ROD	12/
A–357–405 ARGENTINA	BARBED WIRE AND BARBLESS WIRE STRAND	12/
A–357–802 ARGENTINA	L–WR WELDED CARBON STEEL PIPE & TUBE	06/
A–357–804 ARGENTINA	SILICON METAL	09/
A–357–809 ARGENTINA	LINE AND PRESSURE PIPE	07/
A–357–810 ARGENTINA	OIL COUNTRY TUBULAR GOODS	07/
A–831–801 ARMENIA	SOLID UREA	08/
A–602–803 AUSTRALIA	CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS	07/
A–832–801 AZERBAIJAN	SOLID UREA	08/
A–538–802 BANGLADESH	COTTON SHOP TOWELS	04/
A–822–801 BELARUS	SOLID UREA	08/
A–423–077 BELGIUM	SUGAR	08/
A–423–602 BELGIUM	INDUSTRIAL PHOSPHORIC ACID	12/
A–423–805 BELGIUM	CUT-TO-LENGTH CARBON STEEL PLATE	07/
A–351–503 BRAZIL	IRON CONSTRUCTION CASTINGS	06/
A–351–505 BRAZIL	MALLEABLE CAST IRON PIPE FITTINGS	08/
A–351–602 BRAZIL	CARBON STEEL BUTT-WELD PIPE FITTINGS	03/
A–351–603 BRAZIL	BRASS SHEET & STRIP	04/
A–351–605 BRAZIL	FROZEN CONCENTRATED ORANGE JUICE	06/
A–351–804 BRAZIL	INDUSTRIAL NITROCELLULOSE	10/
A–351–806 BRAZIL	SILICON METAL	09/
A–351–809 BRAZIL	CIRCULAR WELDED NON-ALLOY STEEL PIPE	10/
A–351–811 BRAZIL	HOT ROLLED LEAD/BISMUTH CARBON STEEL PRODUCTS	05/
A–351–817 BRAZIL	CUT-TO-LENGTH CARBON STEEL PLATE	07/
A–351–819 BRAZIL	STAINLESS STEEL WIRE ROD	01/
A–351–820 BRAZIL	FERROSILICON	02/
A–351–824 BRAZIL	SILICOMANGANESE	12/
A–351–825 BRAZIL	STAINLESS STEEL BAR	01/
A–351–826 BRAZIL	LINE AND PRESSURE PIPE	07/
A–122–047 CANADA	ELEMENTAL SULPHUR	02/
A–122–085 CANADA	SUGAR & SYRUP	04/
A–122–401 CANADA	RED RASPBERRIES	07/
A–122–503 CANADA	IRON CONSTRUCTION CASTINGS	06/
A–122–506 CANADA	OIL COUNTRY TUBULAR GOODS	08/
A–122–601 CANADA	BRASS SHEET & STRIP	04/
A–122–605 CANADA	COLOR PICTURE TUBES	12/
A–122–804 CANADA	NEW STEEL RAILS	10/
A–122–814 CANADA	PURE AND ALLOY MAGNESIUM	10/
A–122–822 CANADA	CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS	07/
A–122–823 CANADA	CUT-TO-LENGTH CARBON STEEL PLATE	07/
A–337–602 CHILE	FRESH CUT FLOWERS	06/
A–337–803 CHILE	FRESH ATLANTIC SALMON	07/
A–337–804 CHILE	PRESERVED MUSHROOMS	02/
A–570–001 CHINA PRC	POTASSIUM PERMANGANATE	03/
A–570–002 CHINA PRC	CHLOROPICRIN	05/
A–570–003 CHINA PRC	COTTON SHOP TOWELS	09/
A–570–007 CHINA PRC	BARIUM CHLORIDE	11/
A–570–101 CHINA PRC	GREIG POLYESTER COTTON PRINT CLOTH	09/
A–570–501 CHINA PRC	NATURAL BRISTLE PAINT BRUSHES & BRUSH HEADS	03/
A–570–502 CHINA PRC	IRON CONSTRUCTION CASTINGS	06/
A–570–504 CHINA PRC	PETROLEUM WAX CANDLES	09/
A–570–506 CHINA PRC	PORCELAIN-ON-STEEL COOKING WARE	12/
A–570–601 CHINA PRC	TAPERED ROLLER BEARINGS	09/
A–570–802 CHINA PRC	INDUSTRIAL NITROCELLULOSE	10/
A–570–803 CHINA PRC	HEAVY FORGED HAND TOOLS, W/WO HANDLES	05/
A–570–804 CHINA PRC	SPARKLERS	07/
A–570–805 CHINA PRC	SULFUR CHEMICALS (SODIUM THIOSULFATE)	08/
A–570–806 CHINA PRC	SILICON METAL	09/
A–570–808 CHINA PRC	CHROME-PLATE LUG NUTS	11/
A–570–811 CHINA PRC	TUNGSTEN ORE CONCENTRATES	02/
A–570–814 CHINA PRC	CARBON STEEL BUTT-WELD PIPE FITTINGS	06/
A–570–815 CHINA PRC	SULFANILIC ACID	10/
A–570–819 CHINA PRC	FERROSILICON	06/
A–570–820 CHINA PRC	COMPACT DUCTILE IRON WATERWORKS FITTINGS	08/
A–570–822 CHINA PRC	HELICAL SPRING LOCK WASHERS	10/
A–570–825 CHINA PRC	SEBACIC ACID	08/
A–570–826 CHINA PRC	PAPER CLIPS	11/
A–570–827 CHINA PRC	PENCILS, CASED	12/
A–570–828 CHINA PRC	SILICOMANGANESE	12/
A–570–830 CHINA PRC	COUMARIN	01/
A–570–831 CHINA PRC	GARLIC, FRESH	02/
A–570–832 CHINA PRC	PURE MAGNESIUM	04/
A–570–835 CHINA PRC	FURFURYL ALCOHOL	06/
A–570–836 CHINA PRC	GLYCINE	07/
A–570–840 CHINA PRC	MANGANESE METAL	12/
A–570–842 CHINA PRC	POLYVINYL ALCOHOL	04/
A–570–844 CHINA PRC	MELAMINE INSTITUTIONAL DINNERWARE	03/
A–570–846 CHINA PRC	BRAKE ROTORS	04/
A–570–847 CHINA PRC	PERSULFATES	08/
A–570–848 CHINA PRC	FRESHWATER CRAWFISH TAILMEAT	10/
A–583–008 CHINA TAIWAN	SMALL DIAM. WELDED CARBON STEEL PIPE & TUBE	05/
A–583–080 CHINA TAIWAN	CARBON STEEL PLATE	10/
A–583–505 CHINA TAIWAN	OIL COUNTRY TUBULAR GOODS	08/
A–583–507 CHINA TAIWAN	MALLEABLE CAST IRON PIPE FITTINGS	08/
A–583–508 CHINA TAIWAN	PORCELAIN-ON-STEEL COOKING WARE	12/
A–583–603 CHINA TAIWAN	TOP-OF-THE-STOVE STNLS STEEL COOKING WARE	02/
A–583–605 CHINA TAIWAN	CARBON STEEL BUTT-WELD PIPE FITTINGS	03/
A–583–803 CHINA TAIWAN	LIGHT-WALLED RECT. WELDED CARBON STEEL PIPE & TUBE	07/

ANTIDUMPING DUTY ORDERS IN EFFECT ON MARCH 1, 1999—Continued

[Duty orders revoked by Sunset Review remain in effect until Jan. 1, 2000]

CASE NUM AND COUNTRY	PRODUCT	DAT INI
A–583–806 CHINA TAIWAN	TELEPHONE SYSTEMS & SUBASSEMBLIES THEREOF	01/
A–583–810 CHINA TAIWAN	CHROME-PLATED LUG NUTS	11/
A–583–814 CHINA TAIWAN	CIRCULAR WELDED NON-ALLOY STEEL PIPE	10/
A–583–815 CHINA TAIWAN	WELDED ASTM A–312 STAINLESS STEEL PIPE	12/
A–583–816 CHINA TAIWAN	STAINLESS STEEL BUTT-WELD PIPE FITTINGS	06/
A–583–820 CHINA TAIWAN	HELICAL SPRING LOCK WASHERS	10/
A–583–821 CHINA TAIWAN	STAINLESS STEEL FLANGES	02/
A–583–824 CHINA TAIWAN	POLYVINYL ALCOHOL	04/
A–583–825 CHINA TAIWAN	MELAMINE INSTITUTIONAL DINNERWARE	03/
A–583–826 CHINA TAIWAN	COLLATED ROOFING NAILS	12/
A–583–827 CHINA TAIWAN	STATIC RANDOM ACCESS MEMORY	03/
A–583–828 CHINA TAIWAN	STAINLESS STEEL WIRE ROD	08/
A–301–602 COLOMBIA	FRESH CUT FLOWERS	06/
A–331–602 ECUADOR	FRESH CUT FLOWERS	06/
A–447–801 ESTONIA	SOLID UREA	08/
A–405–802 FINLAND	CUT-TO-LENGTH CARBON STEEL PLACE	07/
A–427–001 FRANCE	SORBITOL	07/
A–427–009 FRANCE	INDUSTRIAL NITROCELLULOSE	07/
A–427–078 FRANCE	SUGAR	08/
A–427–098 FRANCE	ANHYDROUS SODIUM METASLICATE	06/
A–427–602 FRANCE	BRASS SHEET & STRIP	04/
A–427–801 FRANCE	ANTIFRICTION BEARINGS	04/
A–427–804 FRANCE	HOT ROLLED LEAD/BISMUTH CARBON STEEL PRODUCTS	05/
A–427–808 FRANCE	CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS	07/
A–427–811 FRANCE	STAINLESS STEEL WIRE ROD	01/
A–427–812 FRANCE	CALCIUM ALUMINATE CEMENT AND CEMENT CLINKER	04/
A–100–001 GENERAL ISSUES	ANTIFRICTION BEARINGS	04/
A–100–003 GENERAL ISSUES	CARBON STEEL FLAT PRODUCTS (FILED 30–Jun–92)	07/
A–833–801 GEORGIA	SOLID UREA	08/
A–428–811 GERMANY UNITED	HOT ROLLED LEAD/BISMUTH CARBON STEEL PRODUCTS	05/
A–428–814 GERMANY UNITED	COLD-ROLLED CARBON STEEL FLAT PRODUCTS	07/
A–428–815 GERMANY UNITED	CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS	07/
A–428–816 GERMANY UNITED	CUT-TO-LENGTH CARBON STEEL PLATE	07/
A–428–820 GERMANY UNITED	SEAMLESS LINE AND PRESSURE PIPE	07/
A–428–821 GERMANY UNITED	LARGE NEWSPAPER PRINTING PRESSES & COMPONENTS	07/
A–428–082 GERMANY WEST	SUGAR	08/
A–428–602 GERMANY WEST	BRASS SHEET & STRIP	04/
A–428–801 GERMANY WEST	ANTIFRICTION BEARINGS	04/
A–428–802 GERMANY WEST	INDUSTRIAL BELTS	07/
A–428–803 GERMANY WEST	INDUSTRIAL NITROCELLULOSE	10/
A–428–807 GERMANY WEST	SULFUR CHEMICALS	08/
A–484–801 GREECE	ELECTROLYTIC MANGANESE DIOXIDE	06/
A–437–601 HUNGARY	TAPERED ROLLER BEARINGS	09/
A–533–502 INDIA	WELDED CARBON STEEL PIPES & TUBES	08/
A–533–806 INDIA	SULFANILIC ACID	06/
A–533–808 INDIA	STAINLESS STEEL WIRE ROD	01/
A–533–809 INDIA	STAINLESS STEEL FLANGES	02/
A–533–810 INDIA	STAINLESS STEEL BAR	01/
A–533–813 INDIA	PRESERVED MUSHROOMS	02/
A–560–801 INDONESIA	MELAMINE INSTITUTIONAL DINNERWARE	03/
A–560–802 INDONESIA	PRESERVED MUSHROOMS	02/
A–507–502 IRAN	IN SHELL PISTACHIOS	10/
A–508–602 ISRAEL	OIL COUNTRY TUBULAR GOODS	04/
A–508–604 ISRAEL	INDUSTRIAL PHOSPHORIC ACID	12/
A–475–059 ITALY	PRESSURE SENSITIVE PLASTIC TAPE	05/
A–475–401 ITALY	BRASS FIRE PROTECTION PRODUCTS	02/
A–475–601 ITALY	BRASS SHEET & STRIP	04/
A–475–703 ITALY	GRANULAR POLYTETRAFLUOROETHYLENE RESIN	12/
A–475–801 ITALY	ANTIFRICTION BEARINGS	04/
A–475–802 ITALY	INDUSTRIAL BELTS	07/
A–475–811 ITALY	GRAIN-ORIENTED ELECTRICAL STEEL	09/
A–475–814 ITALY	SEAMLESS LINE AND PRESSURE PIPE	07/
A–475–816 ITALY	OIL COUNTRY TUBULAR GOODS	07/
A–475–818 ITALY	PASTA, CERTAIN	06/
A–475–820 ITALY	STAINLESS STEEL WIRE ROD	08/
A–588–028 JAPAN	ROLLER CHAIN OTHER THAN BICYCLE	02/
A–588–041 JAPAN	METHIONINE, SYNTHETIC	08/
A–588–045 JAPAN	STEEL WIRE ROPE	08/
A–588–054 JAPAN	TAPERED ROLLER BEARINGS, UNDER 4″	12/
A–588–056 JAPAN	MELAMINE IN CRYSTAL FORM	12/
A–588–068 JAPAN	P.C. STEEL WIRE STRAND	11/
A–588–401 JAPAN	CALCIUM HYPOCHLORITE	05/
A–588–405 JAPAN	CELLULAR MOBILE TELEPHONES & SUBASSEMBLIES	11/
A–588–602 JAPAN	CARBON STEEL BUTT-WELD PIPE FITTINGS	03/
A–588–604 JAPAN	TAPERED ROLLE BEARINGS, OVER 4″	09/
A–588–605 JAPAN	MALLEABLE CAST IRON PIPE FITTINGS	09/
A–588–609 JAPAN	COLOR PICTURE TUBES	12/
A–588–702 JAPAN	STAINLESS STEEL BUTT-WELD PIPE FITTINGS	04/
A–588–703 JAPAN	INTERNAL COMBUSTION IND FORKLIFT TRUCKS	05/
A–588–704 JAPAN	BRASS SHEET & STRIP	08/
A–588–706 JAPAN	NITRILE RUBBER	09/
A–588–707 JAPAN	GRANULAR POLYTETRAFLUOROETHYLENE RESIN	12/
A–588–802 JAPAN	3.5″ MICRODISKS AND MEDIA THEREFOR	03/
A–588–804 JAPAN	ANTIFRICTION BEARINGS	04/
A–588–806 JAPAN	ELECTROLYTIC MANGANESE DIOXIDE	06/
A–588–807 JAPAN	INDUSTRIAL BELTS	07/
A–588–809 JAPAN	TELEPHONE SYSTEMS & SUBASSEMBLIES THEREOF	01/
A–588–810 JAPAN	MECHANICAL TRANSFER PRESSES	02/
A–588–811 JAPAN	DRAFTING MACHINES & PARTS THEREOF	05/
A–588–812 JAPAN	INDUSTRIAL NITROCELLULOSE	10/
A–588–813 JAPAN	MULTIANGLE LASER LIGHT SCATTERING INSTR	04/
A–588–815 JAPAN	GRAY PORTLAND CEMENT AND CEMENT CLINKER	06/
A–588–816 JAPAN	BENZYL P–HYDROXYBENZOATE (BENZYL PARABEN)	07/
A–588–823 JAPAN	PROF ELECTRIC CUTTING/SANDING/GRINDING TOOLS	06/
A–588–826 JAPAN	CORROSION–RESISTANT CARBON STEEL FLAT PRODUCTS	07/
A–588–829 JAPAN	DEFROST TIMERS	02/
A–588–831 JAPAN	GRAIN–ORIENTED ELECTRICAL STEEL	09/
A–588–833 JAPAN	STAINLESS STEEL BAR	01/
A–588–835 JAPAN	OIL COUNTRY TUBULAR GOODS	07/
A–588–836 JAPAN	POLYVINYL ALCOHOL	04/
A–588–837 JAPAN	LARGE NEWSPAPER PRINTING PRESSES & COMPONENTS	07/
A–588–838 JAPAN	CLAD STEEL PLATE	10/
A–588–840 JAPAN	GAS TURBO COMPRESSORS	06/
A–588–843 JAPAN	STAINLESS STEEL WIRE ROD	08/
A–834–801 KAZAKHSTAN	SOLID UREA	08/
A–834–804 KAZAKHSTAN	FERROSILICON	06/
A–779–602 KENYA	FRESH CUT FLOWERS	06/
A–580–507 KOREA SOUTH	MALLEABLE CAST IRON PIPE FITTINGS	08/
A–580–601 KOREA SOUTH	TOP-OF-THE-STOVE STNLS STEEL COOKING WARE	02/
A–580–603 KOREA SOUTH	BRASS SHEET & STRIP	04/

ANTIDUMPING DUTY ORDERS IN EFFECT ON MARCH 1, 1999—Continued

[Duty orders revoked by Sunset Review remain in effect until Jan. 1, 2000]

CASE NUM AND COUNTRY	PRODUCT	DAT INI
A–580–605 KOREA SOUTH	COLOR PICTURE TUBES	12/
A–580–803 KOREA SOUTH	TELEPHONE SYSTEMS & SUBASSEMBLIES THEREOF	01/
A–580–805 KOREA SOUTH	INDUSTRIAL NITROCELLULOSE	10/
A–580–807 KOREA SOUTH	POLYETHYLENE TEREPHTHALATE (PET) FILM	05/
A–580–809 KOREA SOUTH	CIRCULAR WELDED NON-ALLOY STEEL PIPE	10/
A–580–810 KOREA SOUTH	WELDED ASTM A–312 STAINLESS STEEL PIPE	12/
A–580–811 KOREA SOUTH	CARBON STEEL WIRE ROPE	05/
A–580–812 KOREA SOUTH	DRAMS OF 1 MEGABIT & ABOVE	05/
A–580–813 KOREA SOUTH	STAINLESS STEEL BUTT–WELD PIPE FITTINGS	06/
A–580–815 KOREA SOUTH	COLD–ROLLED CARBON STEEL FLAT PRODUCTS	07/
A–580–816 KOREA SOUTH	CORROSION–RESISTANT CARBON STEEL FLAT PRODUCTS	07/
A–580–825 KOREA SOUTH	OIL COUNTRY TUBULAR GOODS	07/
A–580–829 KOREA SOUTH	STAINLESS STEEL WIRE ROD	08/
A–835–801 KYRGYZSTAN	SOLID UREA	08/
A–449–801 LATVIA	SOLID UREA	08/
A–451–801 LITHUANIA	SOLID UREA	08/
A–557–805 MALAYSIA	EXTRUDED RUBBER THREAD	09/
A–201–504 MEXICO	PORCELAIN–ON–STEEL COOKING WARE	12/
A–201–601 MEXICO	FRESH CUT FLOWERS	06/
A–201–802 MEXICO	GRAY PORTLAND CEMENT AND CEMENT CLINKER	10/
A–201–805 MEXICO	CIRCULAR WELDED NON–ALLOY STEEL PIPE	10/
A–201–806 MEXICO	CARBON STEEL WIRE ROPE	05/
A–201–809 MEXICO	CUT–TO–LENGTH CARBON STEEL PLATE	07/
A–201–817 MEXICO	OIL COUNTRY TUBULAR GOODS	07/
A–841–801 MOLDOVA	SOLID UREA	08/
A–421–701 NETHERLANDS	BRASS SHEET & STRIP	08/
A–421–804 NETHERLANDS	COLD–ROLLED CARBON STEEL FLAT PRODUCTS	07/
A–421–805 NETHERLANDS	ARAMID FIBER OF PPD–T	07/
A–614–502 NEW ZEALAND	LOW FUMING BRAZING COPPER WIRE & ROD	03/
A–614–801 NEW ZEALAND	FRESH KIWIFRUIT	05/
A–403–801 NORWAY	FRESH & CHILLED ATLANTIC SALMON	03/
A–455–802 POLAND	CUT–TO–LENGTH CARBON STEEL PLATE	07/
A–485–601 ROMANIA	UREA	08/
A–485–602 ROMANIA	TAPERED ROLLER BEARINGS	09/
A–485–801 ROMANIA	ANTIFRICTION BEARINGS	04/
A–485–803 ROMANIA	CUTOTO-LENGTH CARBON STEEL PLATE	07/
A–821–801 RUSSIA	SOLID UREA	08/
A–821–804 RUSSIA	FERROSILICON	06/
A–821–805 RUSSIA	PURE MAGNESIUM	04/
A–821–807 RUSSIA	FERROVANADIUM AND NITRIDED VANADIUM	06/
A–559–502 SINGAPORE	SMALL DIAMETER STANDARD & RECTANGULAR PIPE & TUBE	12/
A–559–601 SINGAPORE	COLOR PICTURE TUBES	12/
A–559–801 SINGAPORE	ANTIFRICTION BEARINGS	04/
A–559–802 SINGAPORE	INDUSTRIAL BELTS	07/
A–791–502 SOUTH AFRICA	LOW FUMING BRAZING COPPER WIRE & ROD	03/
A–791–802 SOUTH AFRICA	FURFURYL ALCOHOL	06/
A–469–007 SPAIN	POTASSIUM PERMANGANATE	03/
A–469–803 SPAIN	CUT-TO-LENGTH CARBON STEEL PLATE	07/
A–469–805 SPAIN	STAINLESS STEEL BAR	01/
A–469–807 SPAIN	STAINLESS STEEL WIRE ROD	08/
A–401–040 SWEDEN	STAINLESS STEEL PLATE	05/
A–401–601 SWEDEN	BRASS SHEET & STRIP	04/
A–401–603 SWEDEN	STAINLESS STEEL HOLLOW PRODUCTS	11/
A–401–801 SWEDEN	ANTIFRICTION BEARINGS	04/
A–401–805 SWEDEN	CUT-TO-LENGTH CARBON STEEL PLATE	07/
A–401–806 SWEDEN	STAINLESS STEEL WIRE ROD	08/
A–842–801 TAJIKISTAN	SOLID UREA	08/
A–549–502 THAILAND	WELDED CARBON STEEL PIPES & TUBES	03/
A–549–601 THAILAND	MALLEABLE CAST IRON PIPE FITTINGS	09/
A–549–807 THAILAND	CARBON STEEL BUTT—WELD PIPE FITTINGS	06/
A–549–812 THAILAND	FURFURYL ALCOHOL	06/
A–549–813 THAILAND	CANNED PINEAPPLE FRUIT	07/
A–489–501 TURKEY	WELDED CARBON STEEL PIPE & TUBE	08/
A–489–602 TURKEY	ASPIRIN	11/
A–489–805 TURKEY	PASTA, CERTAIN	06/
A–489–807 TURKEY	REBAR STEEL	04/
A–843–801 TURKMENISTAN	SOLID UREA	08/
A–823–801 UKRAINE	SOLID UREA	08/
A–823–802 UKRAINE	URANIUM	12/
A–823–804 UKRAINE	FERROSILICON	06/
A–823–806 UKRAINE	PURE MAGNESIUM	04/
A–412–801 UNITED KINGDOM	ANTIFRICTION BEARINGS	04/
A–412–803 UNITED KINGDOM	INDUSTRIAL NITROCELLULOSE	10/
A–412–805 UNITED KINGDOM	SULFUR CHEMICALS	08/
A–412–810 UNITED KINGDOM	HOT ROLLED LEAD/BISMUTH CARBON STEEL PRODUCTS	05/
A–412–814 UNITED KINGDOM	CUT-TO-LENGTH CARBON STEEL PLATE	07/
A–461–008 USSR	TITANIUM SPONGE	11/
A–461–601 USSR	SOLID UREA	08/
A–844–801 UZBEKISTAN	SOLID UREA	08/
A–307–805 VENEZUELA	CIRCULAR WELDED NON-ALLOY STEEL PIPE	10/
A–307–807 VENEZUELA	FERROSILICON	06/
A–479–801 YUGOSLAVIA	INDUSTRIAL NITROCELLULOSE	10/

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment. I do so do for three reasons. First, there is no evidence that the current antidumping and countervailing duty laws have failed to deliver relief to injured industries. My colleague argues that the amendment is required to address the unfair trade practices facing the steel industry. I would have preferred not to have to revisit the many points that were made in the context of the debate over the steel quota legislation this past summer. This bill is about trade and investment with Africa, the Caribbean, and Central America. I prefer we keep our focus there. That said, since my colleague's amendment has raised those issues before us yet again, I think it is important to remind my colleagues about the points that were made at length in this past summer's debate.

You may recall that, at the time, the steel industry and the steelworkers made the point that they faced a sudden surge of increased imports of steel and were sufficiently threatened that they sought to impose direct quotas on imports of various steel products. They argued that the existing import relief laws were inadequate to the task of addressing that surge. What the debate revealed was quite a different story. In fact, while imports into the United States did surge dramatically in the wake of the Asian financial crisis, they then dropped precipitously in response to the filing of a series of antidumping measures. Imports have continued that downward trend as a result of those unfair trade actions and the suspension agreements negotiated by the Commerce Department that effectively blocked any further imports of hot and cold rolled products from Russia and other countries engaged in below cost sales into the United States market. What lessons should we draw from that

experience? One is that the existing laws work exactly as they are intended. They provide an effective and efficient means of obtaining relief from unfairly dumped or subsidized imports. Indeed, as the Wall Street Journal pointed out in an article published in the midst of the steel industry's filing of dumping actions this past year, the mere filing of an unfair trade action under existing laws has a dramatic impact on prices. The article quoted Curtiss Barnette, the chief executive of Bethlehem Steel as acknowledging that trade cases had become a ''part of the Bethlehem's ''normal business-planning process,'' and acknowledging that, even where dumping actions failed, ''You have won some interim relief and you have said you're going to protect your rights.''

Nicholas Tolerico, executive vice president of Thyssen, a Detroit-based steel processing and importing unit of a German steelmaker, made the point even more emphatically. He indicated that, among importers faced with the prospect of an antidumping action, ''the response is just to stop importing.'' The same holds true for foreign exporters faced with unfair trade complaints even when they eventually win cases. The article quoted the chairman of Ispat International, one of the largest steel manufacturers in the world to the effect that his company had cut exports to the United States from a wire-rod mill in Trinidad and Tobago by 40 percent simply due to the risk inherent in trade litigation even though Trinidad's steelmakers eventually won the case. Why is that the case? Some statistics might help here.

The reason that both exporters and importers of steel halt trade the minute a trade case is filed is because of the record compiled by U.S. industry. The Department of Commerce grants relief to the petitioning industry in over 90 percent of the cases filed under the antidumping and countervailing duty laws. Due to the deference that the Court of International Trade is obliged to pay to the Commerce Department's decisions under current law, the Department's decisions are upheld over 90 percent of the time. In other words, if you are an exporter of steel facing an unfair trade action in the United States, there is a 9 in 10 chance that you will face some considerable penalty. Given that steel is a commodity product, and micro-economic theory would dictate that all such products would be priced to the margin, you, as the foreign exporter, are likely to find yourself priced out of the competitive U.S. market with even a slight dumping our countervailing duty added onto the price of your current shipments.

Now, let's look at it from an importer's perspective. Let's say you are in the automobile industry in the United States, or one of the other steel consuming industries that employ more than 40 persons in the United States for every person employed in the steel industry here. In fact, let's say you are the plant manager for the Dodge Durango plant in Delaware and you are operating as efficiently as you possibly can to compete with your competition in the hotly contested market for sport utility vehicles. You operate on the basis of ''just in time'' delivery to ensure that you carry as little inventory as possible. You do that, in part, to reduce the associated costs and, in part, to take advantage of any change in prices for component parts that may help you compete in your market. That, however, can make you more vulnerable to price swings in the market for component parts. Then, suddenly, the steel industry files a series of dumping actions. Do you continue to import steel when you could be faced with a dramatic increase in price if the case succeeds? No. You stop importing from the targeted country or companies in order to reduce your risk.

The net result is that the cases filed before the Commerce Department begin to raise prices as soon as they are filed simply because the market is responding to the fact that the Commerce Department, 9 cases out of 10, is going to impose a significant penalty at the end of the day. Now, would the result be the same if these cases were litigated before the Federal courts, as my colleague's amendment would require? I strongly doubt that. The cases are complex, the facts frequently are in dispute, and the outcome less assured because of the nature of the litigation process.

Those who have spent time litigating in the Federal courts tell me that they do not quote odds on cases to their clients even on sure winners due solely to the risks of litigation. Those with experience litigating before Federal courts tell me that the likely result of a shift of jurisdiction from the administrative agencies to the courts would be a more intrusive review—without the deference the courts currently pay to Commerce Department decisions. The net result would be greater uncertainty as to the result in these cases, which, for the steel industry, would ultimately spell a less reliable outcome than they currently achieve before the administrative agencies.

In short, the dumping and countervailing duty laws appear to be working as designed and the change suggested by my colleague would simply increase the uncertainty of the outcome from the steel industry's perspective. Second, there is no evidence that shifting the burden of investigating foreign unfair trade practices to the courts would in any way enhance the prospect for prompt relief. At hearings earlier this year before the Finance Committee, those who have litigated under the ''rocket docket'' at the Commerce Department and the International Trade Commission have complained about the fact that they do not get relief as promptly as they like. But, no one suggested that a shift of jurisdiction to the courts would some how improve the situation. Given the record of the courts in handling complex economic litigation in other areas, it is not clear to me that shifting the burden of the initial investigation to the courts, with any allowance at all for the normal process of discovery between private litigants, would provide a benefit to the petitioning industry in these cases.

While both petitioners and respondents complain about their treatment before the administrative agencies, largely due to what they consider to be the arbitrary basis for their decisions, both sides to the litigation seem to agree that the cases themselves are completed as rapidly as possible. That not only helps provide relief to the petitioning industry on as timely a basis as practical, it also has the significant benefit of deciding the issue for the rest of the players in the marketplace. What that really does is reduce the uncertainty in the market that the filing of the case creates. So the plant manager at the Dodge Durango facility in Delaware can rely on decisions in making his own assessment of who to purchase steel from for the coming production run.

Finally, let me say that my colleague's proposal may simply be ahead of its time. What it suggests is something akin to an antitrust remedy—in other words, litigation between private parties that reduces the Government's role in the process. I personally think that there would be real merit to examining that sort of proposal in the Finance Committee in the future. And I would welcome the opportunity to do so rather than forcing a vote on the proposal today. The reason I say that the proposal may be ahead of its time is that an antitrust remedy is relevant when the actions involved are solely those of private parties. That is not the case with most foreign unfair trade practices today. Even dumping is not solely a function of private pricing decisions by foreign producers. As long as governments continue to distort markets, whether through high import tariffs on U.S. steel exports or heavy subsidies to their own domestic producers, prices in the marketplace for products like steel will not equilibrate based solely on private actions.

Thus, for example, dumping is often the result of a country maintaining a closed market in which its companies can maintain a relatively high profit margin, which effectively allows those producers to cross-subsidize their exports to the United States. A private right of action does not reach that conduct. That is conduct that the United States must address at its root—which is the government-induced distortion of the market, rather than the private pricing decisions of the foreign producers.

What that means for the propose shift of the jurisdiction to the Federal courts proposed by my distinguished colleague's amendment is that it is premature. Neither he nor I would suggest that the steel industry's current

conditions are shaped solely by private pricing decisions. In fact, the principal problem facing the steel industry is the global overcapacity created by government protection of their home markets and subsidization of their exports to our shores. I therefore, ask my colleague to withdraw his amendment in order that the Finance Committee could take a look at the proposal and explore the ramifications of the farsighted suggestions in greater depth. Failing that, I must oppose the amendment and urge my colleagues to do so as well.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I join in the Chairman's request and also in his very proper remarks about the senior Senator from Pennsylvania. I believe it has been since 1982 that the Senator began offering amendments to this effect. The antidumping laws themselves have a much longer history and have been through several major revisions, most recently in the Uruguay Round, which we implemented in the Uruguay Round Agreements Act in 1994.

I think the idea of looking into this, as the Chairman suggests, is a very good one. But for the moment, sir, it is ineluctably the case that the amendment, as drafted, is inconsistent with the World Trade Organization's antidumping agreement in a number of significant ways. It does not say that we are wrong, but that we would be up against the agreed-upon international trading rules.

We have an international meeting of the World Trade Organization at the end of this month in Seattle. I do not think we should arrive there this way, particularly as other countries are seeking to reopen negotiations once again on these issues, arguing that they are an antiquated idea.

So I join in expressing the hope that the amendment might be withdrawn. We can take the idea with us to Seattle as something for other countries to consider when they approach our Government about modifying our existing laws.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the antidumping procedures are not antiquated at all. I have noted some 290 antidumping orders in effect as of March 1 of 1999 dealing with a wide variety of products: Steel, sugar, towels, raspberries, fresh cut flowers—the list goes on and on.

The grave difficulty is that the enforcement rests with the executive branch, and the executive branch is more concerned with foreign policy matters and defense policy than with any specific U.S. industry.

The trade-off is made, decimating industries and costing thousands of jobs in an unfair way. As of July 12 of this year, there were bankruptcies of five medium-size steel companies, Acme Steel, Laclede Steel, Gulf States, Qualtech, and Geneva.

When the argument is made that there will be an effect on prices of automobile manufacturers, that is true. But our laws are designed to provide fairness as fairness and justice relate to the steel industry and the auto industry. The auto industry ought not to be able to buy steel from a foreign importer where it is dumped—sold in the United States at a price lower than it is sold in the foreign country.

When the distinguished chairman of the committee makes a reference to wire rod, it ought to be noted that steel wire rods continued at record high levels, more than 14 percent over levels about a year ago in September of 1998. The wire rod industry has sustained serious damage, losses of some $94 million during the first half of 1999. A petition was filed on December 30, 1998, and the President, expected to make his determination by September 27, 1999, to postpone that decision, on September 28, claimed that the matter was still under review. To date, there hasn't been a decision.

Contrast that with what could be obtained in a court of equity, where a decision could be made on affidavits on an ex parte order in 5 days, within a few weeks on a preliminary injunction. It is not true that the Federal courts are unable to handle these serious matters. They do handle complicated antitrust matters all the time and deal with complex economic matters. If a damaged party is in a position to prove the case, they move into court and get a prompt decision in a court of equity, certainly nothing like a year's delay.

The line pipe industry filed a section 201 petition with the ITC claiming that, in 1998, some 331,000 net tons of lime pipe had been imported into U.S. markets at an increase of 49.5 percent over 1997. This petition was filed on June 30, 1999. The ITC issued an affirmative finding on October 28, 1999, but the President is not expected to review the matter until December 17 of this year, long after an equitable court would have been able to take care of it.

The lamb issue is similar. On September 30, 1998, the American sheep industry filed a section 201 petition to stop the flood of imported lamb into the United States. During the 1998 Easter/Passover season, U.S. slaughtered lamb prices were at a 4-year low, some 60 cents a pounds. On March 26, 1999, the ITC unanimously decided in favor of the industry and forwarded its recommendation to the President for decision by late May. In this case, the President did not make a decision to provide relief to the industry until July 7, 1999, which shows the enormous delay in proceedings under the International Trade Commission.

When the suggestion is made about having the matter taken up in Seattle, the grave difficulty is that the international trade agreements leave the ultimate discretion with the executive branch, and that works to the disadvantage of the American company and the American workers. We have provided that there would not be an opportunity for judge shopping, to go into a court in a jurisdiction where the industry was located where most of the damage had been done, by providing that the jurisdiction would be lodged in the U.S. District Court for the District of Columbia.

I think it is a matter of fundamental fairness as to whether our trade laws will be enforced, our trade laws consistent with GATT.

We see, again and again, enormous delays, very little effect, and then the executive branch taking over with suspension agreements to protect the Russians instead of seeing to it that there is justice for American industry and for American workers. This goes far beyond the question of steel, which is a major matter in my State. It goes to virtually every product on the books, as illustrated by the some 290 products which are subjected to antidumping orders in effect as of March 1, 1999.

This is an idea I have been pushing since 1982. My own experience in the court system, as a trial lawyer, shows me that when you go to court, you get the laws enforced—you have justice—contrasted with the executive branch decision, which will vary on many collateral considerations: U.S. foreign policy and U.S. defense policy.

I urge my colleagues to support this important amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. VOINOVICH). Is there a sufficient second?

There is not a sufficient second.

Mr. SPECTER. What does it take for a sufficient second?

The PRESIDING OFFICER. One-fifth of those Senators present.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. SPECTER. The determination is one-fifth of the Senators present?

The PRESIDING OFFICER. That is the Constitution.

Mr. SPECTER. If there are two Senators present and both agree to a rollcall—

The PRESIDING OFFICER. The presumption is that there are 51 Senators present, and it takes 11 in order to get the yea and nay call.

Mr. SPECTER. That is a rebuttable presumption, Mr. President. As the Chair notes, there are not 51 Senators present.

The PRESIDING OFFICER. The Chair is precluded from determining who is present without having a quorum call.

Mr. SPECTER. Well, if the quorum shows there is not a quorum present, then what?

The PRESIDING OFFICER. The Senate cannot proceed.

Mr. SPECTER. Except by unanimous consent to remove the quorum call?

The PRESIDING OFFICER. And by——

Mr. SPECTER. At which point, the Chair could make a determination if there were 51 Senators present until the quorum call, and with the 51 Senators not being present, the Senate could not proceed, so it is circular.

The PRESIDING OFFICER. Those are the rules of the Senate.

Mr. SPECTER. I shall move to ask for the yeas and nays at a later time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2487

Mr. WELLSTONE. Mr. President, I had a chance to speak earlier about the amendment I had introduced, and then we cut off the discussion to enable Senator BAUCUS to have a chance to speak on the floor. I look forward to comments by my colleague from Delaware, but I think what I will first try to do is summarize this amendment and then hear what my colleague, Senator ROTH, has to say.

This amendment would provide for mutually beneficial trade relations—that is what we talked about earlier—between the U.S. and Caribbean countries by rewarding those countries that comply with internationally recognized core labor rights with increased access to the U.S. market for certain textile goods.

Secondly, it would provide for enforceable labor standards. Before any of the CBI trade bill's benefits could go into effect, the Secretary of Labor would have to determine that a CBI country is providing for enforcement of ILO core labor rights. The Secretary would make this determination after consulting with labor officials in these other countries and after public comments. But the Secretary of Labor makes the final decision. U.S. citizens would have a private right of action in district court to enforce these provisions.

This amendment would basically apply the labor standards of Senator FEINGOLD's HOPE for Africa bill to CBI countries. Supporters of CBI parity claim that NAFTA-like benefits will help the Caribbean workers. I want to point out again—because I am an internationalist and I am interested in mutually beneficial trade—that an October 1999 report on Mexican maquiladoras by the Comite Fronterizo de Obreros shows that wages and conditions have actually deteriorated since NAFTA. If NAFTA hasn't helped Mexican workers, why would NAFTA parity help CBI workers? I already presented data this morning, and I won't do it again.

In October of 1999, the CFO Border Committee of Women Workers issued a report detailing what happened to workers in the Mexican maquiladoras since the passage of NAFTA. They found that the maquiladoras paid the lowest wages in Mexican industry; that real wages in Mexican manufacturing have declined by more than 20 percent since 1994; that wage levels have come under attack whenever they are over the threshold considered competitive by the maquiladoras; that border workers have endured a sharp decline in their standard of living since NAFTA; that the practice of using child labor in the maquilas is widespread; and that in the name of NAFTA, Mexican companies, aided by their government, are ''waging a tireless and surreptitious campaign of dirty tricks to stamp out unions in the maquiladoras.'' That is the report.

The same is true of the CBI countries. Those countries, which have the fastest growth in exports to the United States, have experienced the steepest decline in wages in the region. Honduran apparel exports to the United States increased 2,523 percent over the last 10 years but wages declined by 59 percent. In El Salvador, it was 2,512 percent and wages declined 27 percent. Jamaica had the least export growth, one reason being the rate of unionization in Jamaica.

You have average wages of 78 cents in Colombia, 69 cents in the Dominican Republic, 30 cents in Guatemala, and 23 cents in Nicaragua.

Basically, what we are saying again to workers in our own country is, if you organize and try to bargain collectively to make a better wage, these apparel companies will just go to these Caribbean countries. We will just basically undercut your right to organize.

I am in favor of the right of people to organize in our country. What we say to the workers in these countries is that if you want to make more than 35 cents an hour, or 43 cents an hour, and you join a union, or try to bargain collectively, we will deny you your right to do so. We don't have any enforceable labor standard to make sure these abuses don't continue to take place.

Sometimes I think the wage earners in our country are portrayed in some of this debate as if they are greedy or are portrayed as if they look backward and they don't understand this new international economy. I think in many ways this debate is about that.

What would you think if you were working for $8.50 an hour and you saw adopted on the floor of the Senate a trade agreement without any enforceable labor standard, which meant you were going to be competing against people who make 30 cents an hour or against people making 30 cents an hour in Guatemala? They are never going to get to $8.50. But don't we want to take these ILO standards and basic human rights standards and make sure they are enforceable? That way you can have the uplifting of the living standards of people in these countries.

Without this amendment, this CBI parity bill is going to merely encourage U.S. corporations to set up sweatshops in the Caribbean. This is an antisweatshop amendment. This amendment does not require that CBI countries match U.S. wages in work and working conditions, although 67 percent of the American people think the minimum wage of our trading partners should be raised to U.S. levels. That is not going to happen. But that is not what the amendment does. It only requires these countries to respect the core ILO labor standards before we give them additional benefits.

It is a human rights amendment. This amendment basically says we should not be encouraging these CBI countries to compete against our workers by setting up sweatshops, and it says that we have to make sure there is some means of enforcing such antisweatshop standards.

I want to support trade agreements. People in our country want to support trade agreements. But do you want to know something. The reason the trade policy is losing its legitimacy with the American people—I think probably poll after poll shows that the American people are suspicious of these trade agreements—is because they know they put our workers in a terrible position because they know there aren't enforceable labor standards, because they know there aren't enforceable human rights standards, and they tout these trade agreements as being great for the apparel industry, great for these corporations, and terrible for wage earners.

That is what this vote on this amendment is all about. Are you on the side of working people in our country so that they know they can organize in textile plants and the apparel industry, and they won't basically be shut out and the companies won't be able to say, goodbye; we are going to these other countries because we don't have to abide by any labor standards? Are you on the side of these workers or are you on the side of these corporations? American workers compete with Caribbean apparel workers earning from 23 cents an hour in Nicaragua to 80 cents an hour in Colombia. Our workers make about $8.42, on average.

Who is going to benefit from extending NAFTA benefits to the CBI countries without enforceable labor standards?

All I am asking with this amendment, I say to my colleague from Delaware, is enforceable labor standards. It is not going to be the textile workers. It is not going to be the workers in the CBI countries. It is going to be the American textile companies that want to shift production to sweatshops offshore so they can save labor costs.

Can I repeat that one more time?

Who is going to benefit from this trade legislation without this amendment? Who is going to benefit from extending NAFTA benefits to the CBI countries without enforceable labor standards? Not American textile workers; not working people in our country;

not the workers in the CBI countries. It is the American textile companies that are going to benefit that want to shift production to sweatshops offshore so they can save labor costs.

I say to Republicans and Democrats alike: Whose side are you on? If you are on the side of working people, if you are on the side of the right of people to be able to organize, if you are on the side of working people in these CBI countries and poor people in these CBI countries, and you are on the side of human rights of people in these countries, at the very minimum, we ought to vote for this amendment which will put some teeth into some enforceable labor standards. The alternatives to this amendment are unenforceable.

Let me be clear about that. I don't want a Senator to come to the floor and say we have already dealt with labor standards. The CBI parity merely includes labor rights as an eligibility criteria which can only be enforced by the administration. The administration already enforces the GSP program and has never suspended one CBI country despite their terrible labor rights record.

If the administration won't use its GSP leverage to significantly improve labor rights, why would it use eligibility criteria? Nobody can seriously argue that this administration would deny eligibility to a CBI country based on labor rights violations. They have never done it.

The GAO issued a report last year that listed the various GSP worker rights in CBI countries accepted for review. In each case—I gave examples earlier, so I will not do it again—the petitions were withdrawn usually after some nominal changes in the CBI country labor law. But in one CBI country after another, labor laws are flouted, often openly.

There have been 95 worker rights petitions against CBI countries under GSP. None, not one, has led to investigation and suspension. The ILO is not an acceptable substitute because it has no enforcement power.

This amendment speaks to the compelling need to have enforceable labor standards. The ILO has no enforcement power. The managers' amendment directs the President to ''seek the establishment in the ILO of a mechanism to ensure the effective implementation of each of the core labor conventions that ILO members have ratified.'' I commend Senators GRAHAM and MOYNIHAN for their effort in this direction. But, again, I have to say this on the floor of the Senate. The ILO has no enforcement power, so I am not sure how the ILO can ensure effective implementation. I think enforceable standards for core ILO labor rights need to be built into the trade agreement itself.

Let me repeat that.

You have to take these basic ILO labor rights, and you have to make sure that enforceable standards are there built into the trade agreement. Otherwise, what you have is a CBI parity bill which is going to actually provide an incentive for CBI countries to move in the opposite direction.

I welcome the provision in the managers' amendment on increased transparency. Let me repeat that. I think it is a good idea. It will be useful. But I don't believe it is an enforceable standard that will encourage CBI countries to improve conditions for working people. That is what this is all about. I don't want anybody to misunderstand this amendment. This amendment is based upon a belief in the importance of international trade relations. It is based upon the importance of making sure we address the standard of living in CBI countries and the standard of living of working people in our country. But you can't do that unless you have enforceable labor standards. That is what this amendment calls for.

I reserve the remainder of my time. I will wait to hear what my colleagues have to say.

AMENDMENT NO. 2402

(Purpose: To clarify the acts, policies, and practices that are considered unreasonable for purposes of section 301 of the Trade Act of 1974)

Mr. DORGAN. Mr. President, I filed on a timely basis an amendment numbered 2402. I ask unanimous consent to set aside the pending amendment, and I ask for consideration of amendment No. 2402.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative assistant read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2402.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. UNREASONABLE ACTS, POLICIES, AND PRACTICES.

Section 301(d)(3)(B)(i) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)(i)) is amended by striking subclause (IV) and inserting the following:

''(IV) market opportunities, including the toleration by a foreign government of systematic anticompetitive activities, which include predatory pricing, discriminatory pricing, or pricing below cost of production by enterprises or among enterprises in the foreign country (including state trading enterprises and state corporations) if the acts, policies, or practices are inconsistent with commercial practices and have the effect of restricting access of United States goods or services to the foreign market or third country markets,''.

Mr. ROTH. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. ROTH. Mr. President, I ask consent a vote occur on or in relation to the pending amendment No. 2487, of Senator WELLSTONE, and No. 2347, the Specter amendment, at 3:30, with 4 minutes prior to each vote for explanation. I further ask consent it be in order for me to make a motion to table at this point on both amendments with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I move to table the above-described amendments, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Mr. President, amendment No. 2402 deals with section 301 of the Trade Act. As a backdrop for this discussion, I wish to mention quickly several pieces of information.

First, we discuss the issue of trade with a backdrop of a trade deficit that is quite alarming. Almost everyone in this country now says a $25 billion-a-month trade deficit is unsustainable. The merchandise deficit is worse than this. But this is the trade deficit of goods and services. The trade deficit is spiking up, up, up, way up—a very difficult circumstance for this country. We must do something to address it.

What does this deficit result from? This chart shows imports and exports. We can see exports are a flat line, with imports spiking dramatically.

The section 301 trade law remedy, which I intend to discuss briefly in a moment, describes something that relates to a trade dispute we have not only with Canada but others, a state-sanctioned monopoly selling Canadian wheat. This is what has happened with respect to the shipment of Canadian durum wheat into this country. It was almost nothing and then spikes up. It came down when this country enforced a tariff rate quota against Canada. This is unfair trade by a state-sanctioned monopoly with secret prices. It is unfair to our farmers who have flat prices. We produce more than we can use or consume domestically, and we have an avalanche of Canadian grain coming into our country traded unfairly by a state trading enterprise.

Is this problem receding or growing? The first 6 months of this year is nearly double the first 6 months of last year. Last year was a record high. This is just durum wheat, a small issue, but big in North Dakota and big for family farmers—just one issue.

What about a state trading enterprise or state monopoly that trades Canadian grain, or agricultural products to Australia, and decides they will have a trade relationship that doesn't play fair, for example, in Algeria? Assume that Canadians say: We will use our state trading enterprise and we intend to ship our grain to Algeria at 10 cents a bushel and take away the United States Algerian market. Is it fair trade? Is it actionable for the United States to file a 301 trade complaint? I think it ought to be. The law is unclear.

I propose with this amendment a simple process to clarify that section

301, a remedy in trade law, can be applied to predator pricing by state trading enterprises in third-country markets. Very simple. The law is completely unclear whether this now exists. I think it does; some people think it does not. In any event, I think it ought to.

If a state trading enterprise—for example in Canada, the Canadian wheat board—decides to push the United States out of a foreign market with predator pricing, is that not actionable by the United States? Of course, it should be. Our amendment clarifies that the actions, policies, and practices that are unreasonable and inequitable, that destroy market opportunities, are actionable under 301.

Anyone who is proud we have eliminated the fiscal policy deficit in our country—and I am among those—ought to be alarmed by this chart. Our budget policies have created a fiscal policy that is largely now in balance. We do not have growing, swollen Federal budget deficits, and that is a success; it belongs to everyone involved in public policy. However, this is a failure; this is a deficit that is running out of control.

The trade deficit is a very serious problem. We must remedy it. One way to remedy it is to be able to respond to unfair trading practices with remedies that work. This green book produced by the U.S. trade ambassador describes foreign trade barriers. In the bowels of this book rests the story about why our producers are unable to access foreign markets. It is a big, thick book, nearly 500 pages, country after country after country. One way to address these issues is to decide we are going to take action against those that discriminate against American producers with unfair trade practices.

A final point. I turn to Japan in this green book. Japan has agreed to gradually reduce tariffs on imports of beef, pork, fresh oranges, cheese, et cetera. Japan has a $50 to $60 billion trade surplus with us; we have a deficit with them, and it has gone on forever. Even after our negotiations on beef, if one buys a T-bone steak in Tokyo this afternoon, there is a 40.5-percent tariff on every single pound of beef that goes into Japan. It is unforgivable. This country cannot persuade our trade partners to trade fairly.

I ask we include in this piece of legislation something that strengthens section 301, that gives the United States a remedy to go after unfair trade practices. I hope the majority and minority will decide to accept this amendment and take it to conference. It is a small amendment. Nonetheless, I think it is very important to American producers—not just farmers but manufacturers, all producers.

I ask for some time to discuss this amendment with staff. Therefore, I ask that the amendment be set aside.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2430

(Purpose: To limit preferential tariff treatment to countries with a gross national product that does not extend 5 times the average gross national product of all eligible sub-Saharan African countries)

Ms. LANDRIEU. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment 2430.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2430.

Ms. LANDRIEU. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. LIMITATIONS ON PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, the President may not exercise the authority to extend preferential tariff treatment to any country in sub-Saharan Africa provided for in this Act, unless the President determines that the per capita gross national product of the country (calculated on the basis of the best available information including that of the International Bank for Reconstruction and Development) is not more than 5 times the average per capita gross national product of all sub-Saharan African countries eligible for such preferential tariff treatment under this Act.

Ms. LANDRIEU. Mr. President, I say to the Senator from Delaware that I am fully supportive of the efforts to provide opportunity for trade that will be mutually beneficial between the United States and Africa and the Caribbean. I have been to the floor now on more than one occasion talking about the merits of this bill. It is not perfect, but it is a good piece of legislation, and one I am convinced will be mutually beneficial to the nations included.

I believe my amendment will make this bill better and will clarify something which I think was the intention of this bill but may have been lost in the drafting.

This amendment simply says we will prohibit countries with a per capita GDP five times the average of all sub-Saharan African nations from participating in the Generalized System of Preferences portion of this legislation. Let me explain.

The African Growth and Opportunity Act, I believe, should live up to its billing; namely, this legislation should provide an opportunity for growth in Africa, not outside of Africa. As I stated last week, this bill is also an opportunity for businesses in my home State and for the whole country, but it is important we do not lose sight of this objective.

Faced with tight budgets, the United States will not make the same contributions to foreign aid as we have in the past. To replace this shortfall, we are relying on the great American promise of opportunity. In this case, the opportunity is represented by access to the greatest market in the world—our market. In essence, this bill is an invitation for Africa and the Caribbean to offer their best to America, to compete in our marketplace and, in so doing, raise the standard of living on both sides of the relationship.

The success of this new relationship between Africa and America rides on the ability of poor African States to capitalize on greater market access. Until now, they have been unable to do so, but one of the promises of this bill is it will attract additional investment in the region. With the necessary infrastructure and capital, Africa may compete in international markets and establish the requisites for a robust manufacturing base. The question becomes: If new foreign investment comes to Africa, where will it be applied?

I believe it is the intent of my colleagues in the Senate, as well as in the House, to assist the countries generally known as sub-Saharan Africa. We want to turn around two decades of economic decline in places such as Kenya, Tanzania, Liberia, and Ghana. That is the point of this amendment.

If the United States is going to take this step, it is important we make certain the results assist the intended nations. We need to have confidence that the direct investment inspired by this legislation is directed to the countries that need it most.

I restate that this amendment I am offering will try to make a good bill even better by prohibiting the Generalized System of Preferences to countries with a per capita GDP five times the average of all the sub-Saharan nations. The average per capita GDP in Africa, for anyone's interest, is $1,798. Thus, the cutoff of participation would be a per capita GDP of $8,987. This per capita cutoff is more than $2,500 more than South Africa, and also more than the per capita GDP in Russia, Brazil, Turkey, Hungary, and Poland. It is a reasonable cap.

Why is this important? This amendment does not seek to target any particular country, but it is important to know there is an island nation off the coast of Africa, Mauritius, that already has a GDP of $10,300. Furthermore, this island is closer to Africa than any other continent, and it is hardly the kind of place I believe our colleagues or the American public would conceive as part of sub-Saharan Africa.

One might well wonder how this island of over 1 million people has been able to attain such economic success. The answer is a well-developed textile industry. Through investments, Mauritius has managed to create a mature apparel processing shipment and manufacturing hub right in the middle of the Indian Ocean. It is a very tiny island with over 1 million inhabitants, but it is well developed. Its GDP would make countries in Europe green with envy.

Mauritius can proudly boast of unemployment rates that would be welcomed in countries in Europe and is unheard of on the African Continent.

Unfortunately, I am afraid if nations similar to this are included in the African Growth and Opportunity Act, much of, if not all of, the opportunity will go to the country that is already successful and hardly needs our assistance and directed help.

If, after a hard-fought battle to bring this legislation to the floor, all we accomplish is to raise the standards of a small island where standards are already raised and already has a successful industry, I do not think we have done much, and we have truly toiled in vain.

Again, this amendment creates objective and dynamic criteria for who can and cannot participate. It does not attempt to single out any particular place. But I do use that as an example of something I do not think is our intention.

If we are successful, the average per capita GDP of Africa will increase as the continent moves forward. A more wealthy nation, such as the one I have described, may be eligible to participate later on. However, at this juncture, I believe we must remain focused on our objective. That is why I urge our manager, the Senator from Delaware, to take a look at this amendment. I hope it can be acceptable to both sides as we work to make this bill even better.

I do not think it was our intention to move investments to a place that is already developed, and it is not fair to our industry in the United States. Our intention is to increase and bolster the infrastructure investment in the continent of Africa itself, particularly countries that are known as sub-Saharan Africa.

So with this small amendment, we can correct and make that clear. I urge my colleagues to support this amendment and thank them for their attention on this matter.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I oppose my colleague's amendment.

I do so because this amendment will undermine the very objectives this legislation is trying to further. In essence, this amendment says that if a country has managed to do well in that desperately poor and politically unstable region, its access to our market will be cut dramatically. I can't imagine a more damaging or more ironic signal to send.

Let me be a little more specific about my concerns. The purpose of this legislation is to use tariff preferences to spur investment in the sub-Saharan African countries. That investment will help create economic growth and create jobs in a region that has suffered so terribly for so long.

My colleague's amendment, however, would tell the Africans to watch out if they start succeeding, because their access to our market will be taken. It is an ironic signal to send.

While the signal that it will send to the Africans is unfortunate, the signal it will send to investors is particularly damaging.

Let me explain. This legislation is designed to encourage increased investment in the sub-Saharan region. This amendment would undermine that objective by telling investors that they cannot count on the market access that this legislation provides over the long term. As an investor, nothing is more troubling than uncertainty. When investors cannot count on what the future will hold in terms of market access, then they will avoid the region.

Given the political and economic uncertainties that already exist in that region—and given the disincentives that this creates for investors—adding more uncertainty through this amendment would be particularly cruel.

This amendment also ignores the fact that trade among the African countries themselves is vital to their economic future and to the effectiveness of this legislation. The rules of origin in my legislation are specifically designed to encourage the Africans to enter into economic partnership amongst themselves.

Such partnering is particularly important among these nations because they each have different resources and capabilities. We should, therefore, encourage each of these countries to take advantage of their comparative advantage.

My colleague's amendment, however, would selectively exclude certain countries in that region. This, unfortunately, will undermine the process of economic integration and partnering among the African nations that is vital to sound economic development in that region.

This amendment seems to suggest that the economic growth of the sub-Saharan region must rely exclusively on trade with the United States. While we would all like to think that that is enough to spur growth and investment in that region, we all know that it is not.

For these reasons, I oppose this amendment.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, could I ask unanimous consent to respond for a moment?

Mr. ROTH. I could not hear the Senator.

Ms. LANDRIEU. I ask unanimous consent for an additional 2 minutes to respond.

Mr. HARKIN. Please do.

Ms. LANDRIEU. The Senator from Delaware should know I am going to certainly support this bill. It is not my intention to offer an amendment that would in any way weaken this bill. But I also believe very strongly that we should not be presenting false hope or providing loopholes or providing special treatment; that if our objective is clearly to develop Africa the continent of Africa and not islands off its shore, if it is to really develop sub-Saharan Africa, then we should shape a bill that will actually do this.

I say to the Senator, without this amendment, which clearly outlines that the per capita GDP I am suggesting is five times higher than any African nation currently—if we do not adopt this amendment, I could see clearly that the industries would just continue to go over to this one island off Africa, undercut some of the American industries, not result in investment in Africa, and give help to a particular place that does not need help. That does not make any sense to me.

So I offer this amendment in good faith. I have to say, respectfully, I do not understand the arguments against this amendment because, again, the per capita GDP in Africa is currently $1,798, and the business community knows they would be free to continue to do work until the per capita income reached $10,000, which is the cap. That would be many years down the line and would give them the stability they need but not allow us to be circumvented by an island that is not part of sub-Saharan Africa and I think could undercut our intentions.

I thank the Senators for extending me the time to respond. I look forward to a vote on this later today.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2487

Mr. ROTH. These comments I will now make are in connection with the Wellstone amendment No. 2487.

Mr. President, I rise in opposition to the Wellstone amendment No. 2487. This amendment is very similar to one we tabled yesterday, and should be tabled today for similar reasons.

This amendment denies benefits until the U.S. Secretaries of Labor and State determine that the beneficiary country is enforcing internationally recognized human rights. In and of itself, this is unnecessary and duplicative. The managers substitute already contains criteria that the President must take into account in determining a beneficiary country's eligibility that includes the internationally agreed upon core labor standards.

I will address later in my statement the concern of the Senator from Minnesota as to the use of these criteria.

But this amendment goes further. It would force beneficiary countries to guarantee that the head of the national labor agency of that country, the U.S. Secretary of Labor, and an international union bureaucrat have access to all the private business information and records of all business enterprises in that country.

This undermines the sovereignty of these nations, and represents an intrusion on the privacy of their small businesses. The practical effect would be

that no country would ever allow an international union head to peek into the business dealings of all of their citizens. These countries simply would not choose to enjoy the trade benefits offered in this bill—and rightly so.

This amendment would also create an unprecedented private cause of action in U.S. courts if a U.S. citizen wants to seek compliance by those countries with the labor standards. This would invite unnecessary, wasteful litigation, and would create novel discovery activities by U.S. courts, to say the least.

To sum up, the provisions of this amendment would simply eviscerate the goals of this bill and is nothing more than protectionism by another name. The labor standards in the managers' substitute and the flexibility given to the President provide an appropriate means for regular dialog with the beneficiary countries on labor issues.

Let me be clear that the labor standards in the managers' substitute—and which are reflected in current law—are effective. As my colleague may know, CBI benefits are linked to a country's eligibility for the GSP program. If a country violates one of the requirements of the GSP program by, for example, failing to afford workers internationally recognized workers' rights, then that country will lose eligibility for both GSP and the CBI program.

The labor standards under the GSP program are not meaningless. In fact, 11 countries have been suspended from GSP benefits since 1985 for labor standard violations. Six countries are currently suspended. What this should tell us is that the system works, both under GSP and under my legislation for the CBI countries.

As evidence of the effectiveness of these criteria, I cite a June 1998 GAO report that concluded that the GSP and CBI programs have led to improvements of workers' rights in the beneficiary countries.

This is not the only evidence, however. In fact, the best way to tell whether the management's amendment presents an effective approach to the protection of labor standards is by asking those most affected: namely, the workers. I have with me a list of the labor unions in the Caribbean and Central America who endorse my approach on this issue. These leaders understand that the manager's amendment provides an effective way to protect workers, while at the same time spurring investment and economic growth that creates jobs.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CBI UNIONS THAT SUPPORT CBI TRADE ENHANCEMENT

EL SALVADOR

Ricardo Antonio Soriano, Secretary General of FESINCONSTRANS, Federación de Sindicatos de la Industria de la Construcción Similares Transportes y, Otras Actividades.

Aníbal Somoza Peñate, Secretary General of CGS, Confederación General de Sindicatos.

Israel Huiza, Secretary General of FESINTRABS, Federación de Sindicatos de Trabajadores de Alimentos, Bebidas y Similares.

Miguel Ramírez, Secretary General of FESTRAES, Federación Sindical de Trabajadores de El Salvador.

Miguel Angel Lantan, President of FUNEPRODES, Fundación para la Educacion Progreso y Desarrollo del Obrero Salvadoreño.

Salvador Carazo, Secretary General of OSILS, Organización de Sindicatos Independientes, Libres Salvadoreños.

Jesús Amado Pérez Marroquin, Secretary General de FLATICOM, Federación Laboral de Sindicatos, Independientes de Transporte, Comercio y Maquila.

Juan José Huezo, FENASTRAS, Federación Nacional Sindical de Trabajadores Salvadoreños.

Juan Edito Juárez, FUSS, Federación Unitaria Sindical de El Salvador.

HAITI

Fignole St. Cyr, Secretary General, Centrale Autonome des Travailleurs, Haitiens (CATH).

Marc Antoine Destin, Secretary General, Confédération des Taravailleurs Haitiens (CTH).

Jacques Pierre, President, Konfederasyon Ouvriye Travayé Ayisyen (KOTA).

Patrick Numas, Secretary General, Organisation Général Indépendante des Tavailleurs Haitiens (OGITH).

DOMINICAN REPUBLIC

Mariano Negrontejada, Secretary General, Confederación Nacional de Trabajadores Dominicanos (CNTD).

Jacobo Ramos, Secretary General, Federación Unitaria de Trabajadores de Zonas Francas (FENATRAZONAS).

HONDURAS

Israel Salina, Secretary General, Confederación Unitaria de Trabajadores de Honduras (CUTH).

Felicito Avila Ordoñez, President, Central General de Trabajadores (CMT).

Felicito Avila Ordoñez, President, Central de Trabajadores.

JAMAICA

Lloyd Goodleigh, General Secretary, Jamaica Confederation of Trade Unions.

Mr. ROTH. For these reasons, I oppose the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, in the discussion of this trade bill, we hear a lot of talk about the different things involved in trade and how we want to lift countries up; that the essence of this trade bill before us is to open up the avenues and the corridors of free trade so people living in Third World countries, in Africa specifically, can begin to enjoy some of the benefits of increased production, increased distribution of goods and services, and an increased standard of living. That is what the proponents of the trade bill are arguing.

I am not here to argue against that. I believe free trade, if it is practiced as free trade, it can have genuine beneficial effects on all parties involved. There are anomalies, however, in the trade structure that keep the benefits of open and free trade from being genuinely and broadly distributed among people in Third World countries. There are a lot of these, but I believe the single most important feature, institution or practice of Third World countries that inhibits their economic growth, inhibits their social growth, even if they are allowed into a free trade structure, is the use and practice of abusive child labor.

Child labor is the last vestige of slavery on the face of the Earth. It is widespread. It is condoned—if not openly, at least passively—by many of the major industrial nations of the world. I think it is time we get rid of this last vestige of slavery: child labor.

I have an amendment that is very simple and straightforward. It builds on the international consensus that emerged from the ILO conference in Geneva this summer in which the delegates unanimously adopted a convention to eliminate the worst forms of child labor. The amendment simply states that in order to be eligible for the trade benefits in this bill, a country must meet and effectively enforce the standards regarding child labor, as established by the ILO convention 182 for the Elimination of the Worst Forms of Child Labor. It is just that simple. In other words, if a country wants the benefits of this trade bill, they must meet and effectively enforce the standards of the recently adopted ILO convention 182.

This convention defines the worst forms of child labor as: all forms of slavery, debt bondage, forced or compulsory labor, or the sale and trafficking of children, including forced or compulsory recruitment of children for use in armed conflict; child prostitution, children producing and trafficking narcotic drugs; or any other work which by its nature or the circumstances in which it is carried out, is likely to harm the health, the safety, and the morals of children. These are the provisions of ILO convention 182.

As I stated earlier, for the first time in history, this last June, the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jewish to Moslem, from Buddhist to Christians—came together to proclaim unequivocally that ''abusive and exploitative child labor is a practice which will not be tolerated and must be abolished.''

So gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances. Gone is the argument that abusive and exploitative child labor is acceptable because of cultural traditions. And gone is the argument that abusive and exploitative child labor is a necessary evil on the road to economic development. When this convention was approved, the United States and the international community as a whole laid these arguments to rest and laid the groundwork

to begin the process of ending the scourge of abusive and exploitative child labor.

Additionally, for the first time in its history, the U.S. tripartite group to the ILO—consisting of representatives from government, business, and labor—unanimously agreed on the final version of the ILO convention 182.

I believe strongly that the time has come to say to countries: If you want the trade benefits outlined in this bill, you must, at a minimum, enforce international standards on abusive and exploitative child labor. That is at a minimum.

So let me be clear about what is meant by abusive and exploitative child labor. This is not about kids working on the family farm. It is not about kids who work after school. There is nothing wrong with that. I worked in my youth when I was in school. Probably most of us in the Chamber today worked when we were young and in school. There is nothing wrong with that, and that is not what we are talking about. The convention that the ILO adopted in June deals with children who are chained to looms, who handle dangerous chemicals, who ingest metal dust from working around machinery, children who are forced to sell illegal drugs, forced into prostitution, forced into armed conflict, forced to work in factories where furnace temperatures exceed 1,500 degrees.

Let me refer to this chart again and repeat, for the sake of emphasis, what the convention does. It abolishes the harshest forms of child labor, including child slavery, child bondage, child prostitution, use of children in pornography, trafficking in children, the forced recruitment of children for armed conflict, the recruitment of children in the production or sale of narcotics, and hazardous work by children. Those are the abusive and exploitative forms of child labor that are covered.

According to the ILO, in Latin America and the Caribbean there are an estimated 17 million children working. In Africa—and we are on the Africa trade bill—80 million children are working. In Asia, about 153 million children are working. There are about half a million in Oceania, in the islands of the southwest Pacific. This totals about 250 million children world wide that are working full time.

They are forced to work with no protective equipment under hazardous and slave-like conditions. They endure long hours for little or no compensation. They simply work only for the economic gain of others. They are denied an education and denied the opportunity to grow and develop.

I paint this in sharp contrast to afterschool jobs that kids have so they can have some more spending money to buy the latest CD. These kids are not buying CDs. They are not even in school. They are kept out of school and are forced to work.

Again, I know firsthand what this is about. I have some charts here, some pictures. Last year, my legislative assistant, Rosemary Gutierrez, and I traveled to several countries in South Asia to investigate child labor. This happens to be a picture that was taken outside of a compound in Katmandu, Nepal. This was on a Sunday evening, shortly after dark, maybe about 7 or 7:30 in the evening. I had heard repeated stories about children who were working, making carpets, children as young as 5 to 7 years of age. But I also knew from others I had talked to that if you asked to visit one of these plants, by the time you got there, they had the kids out the back door. So nobody could ever see them.

Well, it turned out that, through mutual acquaintances, we located a young man—I don't know how old he is now, maybe 21 or 22 years old—who had been a former child laborer in one of these plants. He knew of a plant where he knew the guard at the gate on this Sunday evening in question. So what we did is, we got in an unmarked car and we drove to the outskirts of Katmandu and went up to this compound. Later, we found out we were mistaken and the owner was in fact there. So we went up to the gate, four or five of us, with this young Nepalese man. He got us in the gate.

This was the picture I took outside the gate. There is a sign posted very prominently in Nepalese and in English. As you can see, it says, ''Child labour under the age of 14 is strictly prohibited.'' They have these signs all over. So I took a picture of it.

We went to the gate of this compound. We walked down a fairly narrow alleyway. There were low-lying buildings on our left and right. We went down a few hundred yards and turned to our left to this carpet factory. We went into the carpet factory. Mind you, this is on a Sunday evening, and it is about 7:30. Here is what we found. I can tell you this is what we found because I took the picture. There were dozens and dozens of kids working in this building, with a lot of dust around; carpets put off a lot of dust when they make them. I took this picture of these two kids. I had the young man who spoke Nepalese there, and we were able to talk to them a little.

As best I could figure out, he was about 7 and she was about 8. This was at 7:30 in the evening. You can't see because the flashbulb wasn't strong enough, but there are dozens of children sitting in rows up and down the aisles working.

Here is a better picture, and I am in it. My staff assistant took this picture. These kids are 8, 9, 10, 11 years old, all the way back here, on both sides, up and down, working at 7:30 at night. These are kids who work probably 12 to 14 hours a day, 6 to 7 days a week. When they are not working, they are taken out of here to those low-lying buildings where they sleep and eat; that is where they live. They are not allowed to go out. They are not allowed to go out on the streets. They are not allowed to get an education, go to school. They go from their little Quonset hut, where they stay like stacks of cord wood. Then they are herded in here, work 12 to 14 hours a day, and they are herded back into the building. They are 7, 8, 9 years of age.

I said: What happens when they get to be 12, 13, or 14? I didn't see any children there that old there. Well, sometimes the boys go into different kinds of work, and the girls are sold into prostitution. You don't have to take my word for that; you can talk with anybody in the U.N., the ILO, and talk about the trafficking of young girls from Nepal to India, some as far away as Saudi Arabia.

I met with some young girls who had been sold into prostitution. There is an organization in Nepal of women trying to repatriate these young women, get them back to their country and their villages. Some were sent as far away as Saudi Arabia. Trafficking in prostitution—that is what we are talking about in this amendment. We are not talking about kids working after school. We are talking about these kids. Should a country that permits this and condones this and doesn't take active steps to stop it—should they, I ask you, get the benefits of this trade bill?

Here is another kid. I did not take this picture. This is not my picture. I admit that. But there is a young boy in the Sialkot region of Pakistan. He is 8 years old. His name is Mohammad Ashraf Irfan. You may not be able to see it from there, but he is making surgical equipment. These are scissors used in surgery that are shipped to this country. Think about that. Think about that the next time you go into the doctor's office. It is clean, it is sterile, you have a wound, and they are going to sew you up or they are going to make you well again. You see those little scissors come out, or the little knife, and the things they use. Think about Ashraf here who is 8 years old. Look at him. The next time you go into a doctor's office, think about Ashraf and think about hundreds of thousands like him sitting there day after day. He has no protective goggles, no protective equipment on his hands, and he is making surgical equipment to be used in the finest of doctor's offices and hospitals in Europe and America. That is what we are talking about in this amendment.

I believe our goal must be to encourage and to persuade other countries to build on the prosperity that comes with trade and to lift their standards up. Exploited child labor in other countries not only penalize Ashraf to a lifetime of illiteracy, low wages, bad health, and not only does it condemn him to that, and hurt his life, but the fact they exploit him means that it unfairly puts workers in our country and other countries at a disadvantage.

You can't compete with slavery. This is slavery. You can dress it up and call it what you want. But this is about the nearest thing you can get to slavery.

Yet, unfortunately, the legislation before us does not address this issue. It simply relies on the criteria of the Generalized System of Preferences, or GSP, to extend countries trade benefits.

Is that adequate to what we know is going on in the world?

This criteria in GSP has been on the books since 1984—15 years. And child labor today is worse than it was 15 years ago.

Let me explain that the USTR, our own Trade Representative office, in its implementation and enforcement of GSP, has, I believe, abused the language in the statute that calls for taking steps to afford respect for workers' rights, including child labor. They have interpreted that any gesture made by a country will satisfy the requirements of GSP.

There is a list of five internationally recognized workers' rights provisions in GSP. Here they are: One, the right of association; two, the right to organize and bargain collectively; three, a prohibition on the use of any form of forced or compulsory labor; four, a minimum age for employment of children; five, acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

If a country takes steps—we don't say how big a step—if a country takes one teeny, little bit of a step in any one of those areas, they are allowed GSP benefits. They may have the most abusive forms of child labor, but if they have taken steps —for example, to have the right of free association—there you go. They have satisfied the requirements. Quite frankly, these countries should be taking steps in all five areas and enforcing the laws they have on the books.

The fact is, there are laws in Nepal against the use of child labor in these looms. There are laws in Pakistan against what Ashraf Irfan is doing. They all have laws on the books. They are just not enforcing them. Many of these countries have been able to provide cosmetic and unenforceable actions. Then they are recognized as having taken steps, and they are off the hook. In fact, the principal sponsor of the GSP criteria, an individual I served with in the House of Representatives, Representative Don Pease, wanted to set a high standard to ensure that countries not only have laws on their books with regard to these rights and minimum age requirements but that they were also being enforced. When it got to conference, it was watered down. We have that today. If they meet just one of those criteria, that is all they have to do.

Fifteen years later after GSP, we now have a universal standard adopted this June by the ILO in Geneva. The ILO convention 182 is a well-defined, internationally accepted standard that I believe should be the criteria in granting any country U.S. trade benefits. ILO convention 182 that will hold everyone to one real and enforceable standard that was unanimously agreed to in Geneva this past June.

Again, as I have said before, I believe in free trade. I voted for the North American Free Trade Agreement. But I also believe in a level playing field. I also believe you should use trade to try to lift countries up—not lift countries up on the backs of children but to lift those countries up alongside of us.

U.S. workers can't compete with slaves. U.S. workers can't compete with 8-year-old kids working 12 and 14 hours a day who are paid almost nothing. You can dress it up any way you want. You can use whatever fancy words and language you want. That is slavery. These kids don't have a choice. They are forced to work in unbearable conditions. They don't have a choice. They do not have any freedom and liberty. Is that not the definition of slavery? Children are exploited for the economic gain of others. The child loses, the family loses, this country loses, and we in the world lose, too.

Every child lost to the workplace in this manner is a child who will not receive an education, learn a valuable skill, and help this country develop economically, or become a more active participant in the global market. When just one child is exploited in this manner, every one of us is diminished.

Recently, I came across a startling statistic. According to the UNICEF report entitled ''The State of the World's Children 1999,'' nearly 1 billion people will enter the 21st century—the new millennium—1 billion people will enter unable to read a book, or unable to sign their name because they are illiterate. This is a formula for instability, violence, and conflict down the road.

Nearly one-sixth of all humanity—think about it; three and a half times the population of the United States—next year won't even be able to read a book or sign their name.

This is the reason: Because they were denied an education when they were young. They were forced to work in front of rug looms, or making surgical equipment, glassware, and metals in mines and places such as that.

I believe it is shocking. I believe children making pennies a day spells disaster and conflict down the road. In cold, hard, economic terms, children making pennies a day will never buy a computer, they will never buy the software to run it, they will never purchase the latest music CD or a VCR to play American-made movies.

By allowing abusive and exploitative child labor to continue, we not only doom the child to a future of poverty and destitution, we doom future markets for American goods and services.

Why in our trade bill do we not just look one foot in front of our nose? We think about next year or the year after. Why not think about 10, 15, or 20 years from now, when 8-year-old Ashraf Irfan is in his twenties and thirties? What will he be buying? Will he buy a computer? Will he buy software and log on to the Internet? Will he buy clothes? No; he will be functionally illiterate. He will go to a store and watch television and see how the rest of the world lives and say, Why do I live like this?

It is ripe for revolutions, wars, insurrections, and instability all over the world.

Some say child labor shouldn't be dealt with in trade measures. I think this is wrongheaded thinking and closed minded. I believe we should be addressing child labor issues on trade measures. After all, we are ultimately talking about our trade policy. Not too long ago, agreements on intellectual property rights were not considered measures to be addressed by trade agreements. In the beginning, only tariffs and quotas were addressed by GATT because they were the most visible trade-distorting practices.

As time went on and as we began to develop more and more intellectual property in this country, we said we ought to include intellectual property rights and services, too. Now they have become an integral part of our trade agreements. The trade bill two years ago had several pages on intellectual property rights and one small, ineffectual paragraph on child labor. Now the WTO will consider rules dealing with foreign direct investment. That is another new step. A part of our trade agreements will now involve foreign direct investment and competition policy.

When I looked at the trade bill two years ago and saw all the pages dealing with intellectual property rights and I saw the little, ineffectual paragraph that actually turned the clock back on child labor, I thought to myself, if we can protect a song, can't we protect a kid? Think about it. We are going to protect someone's song so it can't be stolen, used, recorded, or sung by anybody else in the world—we can protect that; but we can't protect this kid? Tell me that child labor is not an apt policy for trade policy and trade bills. I believe it is time we do this. We as a nation cannot ignore what is happening.

In 1993, this Senate put itself on record in opposition to the exploitation of children for economic gain by passing a sense-of-the-Senate resolution that I submitted. That was in 1993. It was a sense-of-the-Senate resolution. Nonetheless, it passed. In 1994, I requested the Department of Labor to begin a series of reports on child labor. These reports now consist of five volumes representing the most comprehensive documentation ever assembled by the Government on this issue. Earlier this year, President Clinton issued an Executive order prohibiting the U.S. Government from procuring items made by forced or indentured child labor. We are making progress.

Some may say we have not even ratified convention 182 ourselves, so how do we expect others to abide by that? The chairman of the committee, Senator HELMS, had a hearing about 2

weeks ago on this. I thought it was a great hearing. I am pleased to report to my colleagues, just today the Senate Foreign Relations Committee reported out the new ILO convention. I am hopeful we will have it on the floor to get a unanimous vote and to ratify that before we leave this year. I have every reason to believe we will before we leave this year.

Mr. REID. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

Mr. REID. We are going to have a couple of votes at 3:30. There is no time agreement. The Senator may speak as long he desires. Both managers of the bill are in a position to accept the amendment of the Senator or, if the Senator desires a recorded vote, we can have that, too. They are willing to accept this amendment. There is an order in effect that there will be two votes at 3:30.

Mr. HARKIN. I will abruptly finish my remarks.

Mr. REID. And then make a decision.

Mr. HARKIN. Normally, I would say fine to accept it, but since the Foreign Relations Committee passed it out this morning and I believe we will have it before the Senate before the end of the year, I think it is important for the Senate to express itself on this issue on the forms of abusive and exploitative child labor. It is important we do that. We have taken so many steps and come so far, we ought to do that. I am hopeful my colleagues will support this.

My amendment is cosponsored by Senator HELMS, the chairman of the Foreign Relations Committee, and Mr. WELLSTONE from Minnesota. There is a pretty broad philosophical spectrum encompassed on this amendment.

I ask unanimous consent the pending amendment be temporarily set aside, and I ask to call up my amendment No. 2495.

Mr. REID. Reserving the right to object, what was the unanimous consent request?

Mr. HARKIN. To set aside the amendment and call up my amendment.

Mr. REID. Mr. President, we are trying to work out a time sequence. The Landrieu amendment is now pending. It is my understanding that we have two votes set and Landrieu makes three votes; is the Senator willing to make his the fourth vote in that stack?

Mr. HARKIN. Yes; I have no problem.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa has the floor and has stated a unanimous consent request.

Mr. HARKIN. I ask unanimous consent the pending amendment be temporarily set aside, and I ask that my amendment No. 2495 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend, he has no problem, if his amendment is called up, having his the fourth after these other three?

Mr. HARKIN. No. I don't have any problem with that, no.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. I object.

The PRESIDING OFFICER. The Senator from Delaware objects. Objection is heard. The Senator from Iowa continues to have the floor.

Mr. HARKIN. Mr. President, I thought I had just agreed to have the amendment voted on.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. I will yield for a question to my colleague from Nevada. We are trying to work out an arrangement.

Mr. REID. I say to my friend, and the manager of the bill, this is my understanding of what the managers want to occur. We already have two amendments pending and there are motions to table those two amendments. The Landrieu amendment is going to come on as the third matter. They also want to move to table that. That can only be done while the amendment is pending. So that amendment is pending now.

I suggest there be a tabling motion made and then the Senator will offer his amendment, and his amendment be voted up or down.

Mr. HARKIN. Mr. President, let me see if I can revise my unanimous consent.

I ask unanimous consent after the Landrieu amendment is disposed of, in whatever form that disposal may take, that I be recognized to call up my amendment, amendment No. 2495, and to have the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there objection? The Senator is advised he cannot obtain the yeas and nays by unanimous consent. That part of his consent cannot be granted.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. First, we will have the unanimous consent request. Is there objection to the unanimous consent request?

The Chair hears none, and it is so ordered.

Mr. HARKIN. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I ask consent a vote occur on or in relation to the pending amendment—the Landrieu amendment to H.R. 434 in the voting sequence occurring at 3:30 p.m. today, with all the parameters provided for the first two amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent to set aside the Landrieu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2505

(Purpose: To authorize the extension of permanent normal trade relations to Albania and Kyrgyzstan, and for other purposes)

Mr. ROTH. Mr. President, I send to the desk the managers' amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 2505.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEVIN. Mr. President, President Clinton recently emphasized that while expanding trade, we also need to have basic labor standards so that people who work receive the dignity and reward of their work. The President said the WTO should create a working group in Seattle on trade and labor and asked, ''How we can deny the legitimacy or the linking of these issues, trade and labor, in a global economy?''

How, indeed? The rhetoric sounds right—that we should link the granting of trade benefits to whether countries are abiding by internationally recognized standards on such things as child labor, collective bargaining, use of forced or coerced labor, occupational health and safety and other worker rights. This should be especially the case when these countries have freely undertaken such obligations in treaties or conventions. This is a laudable objective and one that the Administration is now promoting. But how do we implement this objective?

We have our first test case under consideration before the Senate today. We should begin to promote standards on such things as child labor, collective bargaining, use of forced or coerced labor, occupational health and safety and other worker rights as part of our trade relationships by considering progress on those goals when unilaterally granting a trade benefit. In considering whether to grant a country a unilateral trade benefit, the President surely ought to consider the extent to which that country has undertaken its own existing obligations, obligations under treaties and conventions it has freely entered into relative to child labor, collective bargaining, the use of forced or coerced labor, occupational health and safety and other worker rights. Unfortunately, in the bill under consideration today, the President is not required to even consider this factor.

Mr. President, the trade bill we are considering contains two provisions that would provide trade benefits to certain countries unilaterally without asking that reciprocal action be taken.

This bill is flawed and it doesn't live up to our repeatedly stated beliefs. It contains no required consideration of

the extent to which a beneficiary country has undertaken to live up to its own commitments to internationally recognized standards on such things as child labor, collective bargaining, use of forced or coerced labor, occupational health and safety and other worker rights, before the country may receive the trade benefit conferred in the bill. I believe the extent to which a country demonstrates a willingness to abide by its own commitments freely undertaken, be it to labor standards, or anything else, should be an element that is at least considered when determining a country's eligibility to receive special benefits.

As the bill is currently written, before granting the trade benefits, the President must make certain determinations, such as determining if the country has demonstrated a commitment to undertake WTO obligations and to take steps to join the Free Trade Agreement of the Americas (FTAA). Only as a secondary consideration, the President may consider, when determining if the country has demonstrated a commitment to the WTO and FTAA, additional criteria, including the extent to which the country provides internationally recognized worker rights.

This is not strong enough because it is a discretionary standard that the President is not required to even consider and it is also only a secondary consideration that can be taken into account when making a determination as to whether a country has demonstrated a commitment to pursue certain other ends. It is not an end in itself.

It seems to me that the type of trade benefit we are considering today, a one-way-granting by the United States of duty free treatment, is a logical place to include a consideration of whether a country is attempting to live up to its own obligations it has freely undertaken with regard to standards on such things as child labor, collective bargaining, use of forced or coerced labor, occupational health and safety and other worker rights.

The President has said he wants to start to link trade and labor standards and will take steps to try to achieve this in the next round of WTO negotiations starting in Seattle. We should start here at home by requiring that the extent to which a beneficiary country has demonstrated a commitment to abide by obligations it has already undertaken in treaties and conventions it has freely entered into relative to child labor, collective bargaining, use of forced or coerced labor, occupational health and safety and other worker rights. If we can't even include such a consideration in today's legislation, how do we expect to succeed in including such provisions in a multilateral negotiation of over 130 member nations?

Mr. President, I am offering an amendment which would require consideration of internationally recognized labor standards when determining if a CBI country may benefit from unilateral trade preferences. My amendment would require the President, when designating a CBTEA beneficiary country, to consider the extent to which the country provides internationally recognized worker rights, such as the right of association, the right to organize and bargain collectively; prohibition on the use of any form of coerced or compulsory labor and a minimum age for the employment of children.

Most CBI countries are signatories of the International Labor Organization conventions. Considering the extent to which these countries abide by their own international obligations is the least we can do when considering whether they deserve to receive unilateral trade preferences from us.

Mr. MACK. Mr. President, I rise today to thank the chairman of the committee, Mr. ROTH, for including in the manager's package an amendment by Mr. SARBANES and myself expressing the sense of the Congress with respect to the issue of debt relief for poor countries. Our resolution simply expresses the desire of this body to work with the President and the international community to forgive the debt owed to us by the world's poorest countries in exchange for commitments from these countries to reform their economies and work toward a better quality of life for their people. This follows on legislation we introduced earlier this month to accomplish this important objective.

Our effort today is premised on the notion that we must help these poverty-stricken nations break the vicious cycle of debt and give them the economic opportunity to liberate their futures. This issue has united people of diverse interests and backgrounds from all around the world. There is a growing sense across the cultural and political spectrum that debt burdens are a major impediment to economic reform and the alleviation of the abject poverty facing the world's poorest countries. And there is increasing certainty that debt forgiveness—if done right—can be a positive force for change in the developing world. Our resolution makes clear that the objectives of debt relief should be the promotion of policies that promote economic growth, openness to trade and investment, and the development of free markets. I am glad the full Senate is joining us in this endeavor.

Today, Mr. President, the world's poorest countries owe an average of $400 for every man, woman, and child within their borders. This is much more than most people in these countries make in a year—in fact more than one billion people on Earth today live on less than a dollar a day. Debt service payments in many cases consume a majority of a poor country's annual budget, leaving scarce domestic resources for economic restructuring or such vital human services as education, clean water and sanitary living conditions. In Tanzania, for example, debt payments would require nearly four-fifths of the government's budget. In a country where one child in six dies before the age of five, little money remains to finance initiatives that would improve the country's economic prospects, its openness to trade and investment, or the standard of living of its people. Among sub-Saharan African countries—many of the very countries we're looking to help in the trade package before us today—one in five adults can't read or write.

Mr. President, the problems in the developing countries that yield such grim statistics will never be solved without a monumental commitment of will from their leaders, their citizens, and the outside world. We cannot solve all these problems today. Rather, we are simply affirming to the world that the small step of debt relief is one that can and should be taken without delay.

The effort to forgive the debts of the world's poorest countries has been ongoing for more than a decade. During this time the international community and the G7 came to the realization that the world's poorest countries are simply unable to repay the debt they owe to foreign creditors. What's more, the payments that are being made are hampering progress toward more free, open, and economically vibrant economies. The external debt for many developing nations is more than twice their gross domestic product, leaving many unable to even make interest payments. We must accept the fact that this debt is unpayable. The question is not whether we'll ever get paid back, but rather what we can encourage these heavily indebted countries to do for themselves in exchange for our forgiveness.

In Uganda, for example, debt relief obtained under the existing debt forgiveness programs has cleared the way for a doubling of classroom size, allowing twice as many children to attend school as before. This type of benefit is real. It is tangible. And it will bring untold benefits to the country in future years. We must do more to encourage these types of programs and debt relief is one vehicle that can help effect real change in the developing world.

Prudent debt relief is in all of our best interests. It is an investment in the commitment of the world's poorest countries to implement sound economic reforms and help their people live longer, healthier and more prosperous lives.

Our amendment today is another step toward this goal and I thank my colleagues for their support.

Mr. BINGAMAN. Mr. President, I rise today to address the Trade Adjustment Assistance program.

Let me begin by stating—as others have on this issue—that I believe strongly in the concept of free and fair trade, and I have always supported legislation that opens foreign markets, assures that trade agreements are enforceable, and provides the opportunity

for competitive U.S. firms to do business overseas. I support legislation of this type because I feel that in the long run it increases the economic welfare of our nation and leads to substantial and measureable benefits for Americans. Exports now generate over one-third of all economic growth in the United States. Export jobs pay ten to fifteen percent more than the average wage. Depending upon who you listen to, it has generated anywhere from two to eleven million jobs over the last ten years. Without expanded trade brought on as a result of globalization, we will end up fighting over an ever-decreasing domestic economic pie. Trade is inevitable, it is the terms of trade that we debate.

And this debate is important, because while many Americans are enjoying unprecedented opportunities as a result of the process of globalization, others are not so fortunate. Clearly, free trade has negative attributes, and the United States has not been immune to them. In my state alone over the last two years we have seen several thousand people laid off in trade-related plant closures—from high-tech to apparel to copper. Many more New Mexicans have been forced to find other work because they can no longer compete on an international basis. The vast majority of these people live in rural communities where there really isn't anything else for them to do in terms of employment. When I talk to these people, they ask me: Where am I supposed to work now? Where do I find a job with a salary that allows me to support a family, own a house, put food on the table, and live a decent life? Where are the benefits of free trade for me now that my company has gone overseas? What good are cheaper products when I no longer have a salary to pay for them?

These are tough questions, especially from someone who is trying to pay a mortgage, or get their children an education, or buy food for the table, and they deserve an answer. In my opinion, the answer does not lie in protectionism, as many would suggest, because it is no longer a legitimate option. It is impossible to go back in time and trade only within our own borders. Instead the answer lies in the development of programs that provide people with the skills to be gainfully employed and provide companies with the tools so they can become internationally competitive. It is through workforce development and technological innovation. Globalization is inevitable. It is not going to stop. Therefore, the question for us in this Chamber is: How we can manage it to benefit the national interest of the United States? How can we make it work for our people? How can we establish an environment where high-wage jobs can be obtained and communities sustained?

The Trade Adjustment Assistance program is supposed to do just that. As my good friend and colleague Senator MOYNIHAN has pointed out on the floor many times, this program and its component parts are part of a very reasonable agreement with American workers and companies: If Americans lose their jobs as a result of trade agreements entered into by the U.S. Government, then the U.S. government should assist these Americans in finding new employment with equivalent or better wages. If the U.S. government supports an open trading system, it is responsible to repair the negative impacts this policy has on its citizens. If you lose a job because of U.S. trade policy, you should have some help from the U.S. Government in getting unemployment benefits and retraining to get a new job that pays you as much or more as you were getting before.

And, since its inception, the Trade Adjustment Assistance program has attempted to do just that. It has over the years consistently helped individuals and companies in communities across the United States deal with the transitions that are an inevitable part of a changing international economic system. It helps people that can work and want to work to continue to work in productive jobs that contribute to the economic welfare of our country.

But, as good as the Trade Adjustment Assistance program is, it is not without flaws, and these flaws frequently make the program difficult to use for those that need it most. Even worse, in some cases, it is simply unavailable for those who need it most.

What are some concrete examples of these problems? In my state of New Mexico, we have over the last few years seen a serious lack of coordination between the federal and state agencies responsible for the provision of unemployment benefits and retraining, and we have seen a near complete incompatibility of application procedures. This lack of harmonization has made potential recipients run in circles to find information and advice that would help them find viable work.

We have passed legislation that provides benefits to some individuals that are not available to others. For instance, the NAFTA Trade Adjustment Assistance program provides unemployment benefits and retraining for those who have been negatively impacted by trade or shifts in production overseas, but the Trade Adjustment Assistance program only provides retraining in the case of former, not the latter. Furthermore, secondary workers—individuals who with their company provide direct inputs into primary manufacturing facilities—are not eligible for any support at all, this in spite of the fact that they too may lose their jobs when a primary facility is forced to close. How do you explain these programmatic differences to workers who need help, and need it now?

Another problem: Trade Adjustment Assistance provides assistance to workers in specific communities, but it does not provide assistance to those communities that have been significantly impacted by trade or shifts in production overseas. No evaluation of community needs, no strategic plan for economic development, no technical assistance to help a community recover from what has happened. Thus, while we provide federal funds so workers can retrain to find employment, in many cases there is no simply gainful employment to be had in the community. There is no work to retrain for that pays a living wage. In other words, there is no linkage between retraining programs and community workforce needs. Individuals thus have a choice: stay in town on unemployment until it runs out, take a lesser paying job that disallows them from providing for themselves and their family, or relocate to a region that has employment to offer. In either case, the community loses. And this is happening with disturbing frequency not only in New Mexico, but in rural communities across the United States. Ask any of my colleagues, and they will tell you they have heard the same story.

I would argue that in some very specific cases foreign trade or the transfer of production overseas has had a such an impact on a community that it is analogous to a natural disaster. The impact on the community is so severe, pervasive, and painful that it is equivalent to a flood, tornado, or earthquake. In many cases, not just individuals, but an entire community has become dislocated, and is not prepared as a political or economic entity to take the steps needed to recover. Not only the individuals, but the community, needs help to get back on its feet.

So what must be done in these circumstances? In this country we have organized a unique approach to first anticipate, and then respond to, natural disasters—the Federal Emergency Management Agency, or FEMA—and it is designed to integrate the federal/state/local activities to obtain optimal recovery. Why not have this kind of coordinated program for trade? We organize this kind of response through the Department of Defense and the Office of Economic Adjustment when a military base closes in a community. Why not have such a program for communities affected by trade? I am not talking about giving funds to those in need in perpetuity. I am talking about establishing a coherent strategic plan with an entry and exit policy that helps individuals and communities develop a workforce plan, create good jobs for their citizens, and become viable economic competitors in the international marketplace.

The time is ripe to examine these issues, and in my view it is time to think outside the box. There are too many inconsistencies in existing unemployment and re-training benefit programs—Trade Adjustment Assistance, NAFTA Trade Adjustment Assistance, the Job Training Partnership Act, the Workforce Investment Act, and unemployment insurance—and they must be examined so we can make them efficient and effective mechanisms for our

workers. In my view, these problems are not necessarily the fault of the Department of Labor, which administers many of the programs I refer to today. The problems are indicative of an ad hoc approach to policy formation over the years, and it is time to align these programs so they will have the maximum benefit effect for those who need them. Trade Adjustment Assistance is an excellent idea and it has served us well, but it is time that it be refined to better fit the needs of an increasingly interdependent international political economy.

To this end, I offer a very straightforward amendment today, and an action that I see as a first, but very important, step to more comprehensive Trade Adjustment Assistance reform. The immediate goal of the amendment is to obtain the information necessary to make informed decisions on how to proceed in future legislation. My amendment asks that the General Accounting Office study this issue, and, within nine months, offer Congress specific data and recommendations concerning the efficiency and effectiveness of federal inter-agency and federal and state coordination of unemployment and retraining activities associated with the following programs: the Trade Adjustment Assistance program, the NAFTA Trade Adjustment Assistance program, the Job Training Partnership Act, the Workforce Investment Act, and the Unemployment Insurance Program. The report will examine the activities since the enactment of the NAFTA agreement on January 1, 1994, and will include analysis of many of the issues I mentioned previously: the compatibility of program requirements and application procedures related to the unemployment and retraining of dislocated workers in the United States, the capacity of these programs to assist primary and secondary workers negatively impacted by foreign trade and the transfer of production to other countries, and the effectiveness of the aforementioned programs relative to the re-employment of United States workers dislocated by foreign trade and the transfer of production to other countries. This is an unambiguous and uncomplicated amendment, and it will help us chart a course for the future.

Trade Adjustment Assistance is a necessary part of our national trade policy toolbox, and I believe it has done an admirable job over the years. But we all know it will become even more important as our country becomes more integrated into the global economy. For this reason, it is time that it be made more effective, and that its goals be better defined. I believe this amendment will assist us in this effort, and I hope that my colleagues will support the passage of this bill when it comes to a vote.

Mr. LIEBERMAN. Mr. President, I rise to present legislative background and history on a provision contained in the Manager's Amendment to the African Growth and Opportunity Act adopted this evening by consent. Constituents in my state in the wool fabric industry have been concerned about any revision to tariff reduction and phase-out schedules that would unfairly alter their competitive posture and force layoffs of Connecticut employees.

The final language in the provision states that, ''It is the sense of the Senate that U.S. trade policy should place a priority on the elimination or amelioration of tariff inversions that undermine the competitiveness of the U.S. consuming industries, while taking into account the conditions in the producing industry in the United States, especially those currently facing tariff phase-outs negotiated under prior trade agreements.'' I want to note that this provision as adopted was modified to reflect specific concerns I raised about it. While this provision merely expresses a ''sense of the Senate'' and is in no way law or binding, I do want to provide background on the intent of the provision.

I note, first, that language in the provision as originally proposed directing the inclusion of the ''wool fabric'' industry sector in this provision was specifically deleted in the version that passed in the Manager's Amendment, underscoring the Senate's clear intent that this provision is not directed at this sector.

Second, the provision specifically requires that full account be taken of ''conditions'' in the various ''producing industry in the United States,'' indicating that whatever further action Congress may want to consider in the future on this issue, or that the U.S. Trade Representative may raise in future negotiations, must assure fairness and equitable treatment to those currently producing in the United States. Furthermore, the language specifically states that special attention and equity is to be provided to ''those currently facing tariff phase-outs negotiated under prior trade agreements.'' Since my constituents in the wool fabrication sector specifically fall into exactly that posture, properly relying on phase-out schedules negotiated in prior trade agreements, this protection and assurance is directed at their concerns, which, in turn, is why their industry sector was dropped from application of this provision.

I further appreciate the assurances provided me by the Managers of this bill that I will be provided full notice of any consideration of this issue in conference and that it will be resolved in a manner satisfactory to me in representation of my constituent's concerns.

Mr. ROTH. Mr. President, the managers' amendment has been worked on by the distinguished ranking member, Senator MOYNIHAN, and myself. We have worked with Members on both sides of the aisle. This represents the results. There is no objection from the Democrat or Republican side.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I simply confirm the chairman's statement. I thank all who have worked very hard on this extensive measure.

The PRESIDING OFFICER. Is there further debate on the managers' amendment?

Mr. ROTH. I ask for a voice vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2505) was agreed to.

Mr. ROTH. I thank the ranking member of the committee for his cooperation and help.

I think now we are about ready to proceed with the votes.

A quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2487

The PRESIDING OFFICER. The Senator from Minnesota is entitled to 2 minutes of his time.

Mr. WELLSTONE. Mr. President, this amendment provides for enforceable labor standards. This is about the terms of trade and wanting to make sure with the CBI countries that when it comes to the right to organize and bargain collectively, people are not imprisoned for asserting this right, and that basic human rights and basic labor rights are met. In that way, we will have a trade agreement with enforceable labor standards that says to wage earners in our country: You are not going to lose your job in the apparel industry to other countries because they are paying 35 cents an hour and violate basic labor rights. It also says to workers in CBI countries: It is a benefit to you; you do not have to depend on investment by only making 35 or 40 cents an hour and not able to have basic human rights and labor rights.

This amendment calls for enforceable labor rights. It is the right thing to do. It is all about the right terms of trade, and I hope my colleagues will vote for this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New York.

Mr. MOYNIHAN. Mr. President, the managers' amendment which has just been adopted at the behest of Senator LEVIN, myself, and others, requires that core labor standards are necessary matters that the President must consider in granting these trade privileges. Of course, the Generalized System of Preferences incorporates substantially the same measures. The President is authorized to consider countries' compliance with these standards. Indeed, the President has already endorsed the

core labor standards through the ILO Declaration adopted in 1998. There is no need to micromanage his handling of foreign affairs.

In the interest of moving this measure along, with full agreement with the purposes of the Senator from Minnesota, I move to table the amendment.

The PRESIDING OFFICER. All time having been used or yielded back, the question is on agreeing to the motion to table amendment No. 2487. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—66

Abraham	Enzi	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Robb
Breaux	Grassley	Roberts
Brownback	Gregg	Roth
Bryan	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Coverdell	Hutchison	Smith (OR)
Craig	Inhofe	Stevens
Crapo	Kerrey	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lieberman	Voinovich
Domenici	Lincoln	Warner
Edwards	Lott	Wyden

NAYS—31

Akaka	Harkin	Reed
Baucus	Hollings	Reid
Boxer	Jeffords	Rockefeller
Byrd	Johnson	Sarbanes
Campbell	Kennedy	Schumer
Cleland	Kerry	Snowe
Collins	Kohl	Specter
Conrad	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	
Feingold	Mikulski	

NOT VOTING—2

Inouye	McCain

The motion was agreed to.

AMENDMENT NO. 2347

The PRESIDING OFFICER. There are now 4 minutes equally divided before a vote on the motion to table amendment No. 2347.

The Senator from Pennsylvania, Mr. SPECTER, is recognized.

Mr. SPECTER. Mr. President, this amendment provides for a private right of action to go into Federal court and stop dumped goods from coming into the United States in order to enforce U.S. trade laws and international trade laws, consistent with GATT.

For example, today, if you take a case under 30201, the International Trade Commission takes up to a year to have it acted on, and then the administration can have a suspension order and eliminate it totally. Dumped goods are unfairly taking jobs from farmers, where dumped wheat comes into the United States. Textiles are dumped, steel is dumped, lamb is dumped; and the administration consistently decides these cases—as they did on steel with Russia—on a suspension agreement as to what is going to help the Russian economy for foreign policy and defense reasons, as opposed to seeing to it that United States trade laws are enforced that prohibit dumping—selling in the United States at a lower cost than illustratively selling in Russia.

This would give an injured party a chance to go to court and get an injunction within a few weeks, to have countervailing duties imposed, which would be an effective way to see to it that our antidumping laws are enforced and we do not have the disintegration of industries such as steel or unfair practices for wheat farmers, lamb farmers, and the like.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment. I do so because there is no evidence that the current antidumping and countervailing duty laws have failed to deliver relief to injured industries. Indeed, it is not clear to me that shifting the burden of the initial investigation to the courts, with any allowance at all for the normal process of discovery between private litigants, would help the petitioning industry in these cases.

While both petitioners and respondents complain about their treatment before the administrative agencies, largely due to what they consider to be the arbitrary basis for their decisions, both sides to the litigation seem to agree that the cases themselves are completed as rapidly as possible. They also agree that the current system provides more certainty and predictability.

Given that, I urge my colleagues to think carefully about the implications of shifting these cases to the Federal courts. While the system is not perfect, the fact is that petitioners have been very successful in these cases. Moreover, the system is surprisingly quick and responsive, given the complexity of these cases. Anybody who has spent years before the Federal courts in a complex commercial matter can tell you that the current system of litigation of unfair trade cases administratively is quite rapid.

For these reasons, I urge my colleagues to vote to table the amendment. No such change, as proposed by this amendment, should be adopted without thorough study on the part of the appropriate committee.

Mr. President, I ask unanimous consent that this rollcall vote and future rollcalls in this series be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired. The question is on agreeing to the motion to table amendment No. 2347. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote ''no''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—54

Abraham	Frist	Lugar
Allard	Gorton	Mack
Ashcroft	Graham	McConnell
Bennett	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Breaux	Hagel	Reid
Brownback	Harkin	Roberts
Bryan	Hutchinson	Roth
Cochran	Kerrey	Schumer
Coverdell	Kerry	Smith (OR)
Daschle	Kyl	Stevens
Dodd	Landrieu	Thomas
Domenici	Lautenberg	Thompson
Enzi	Lieberman	Voinovich
Feinstein	Lincoln	Warner
Fitzgerald	Lott	Wyden

NAYS—42

Akaka	Dorgan	Mikulski
Baucus	Durbin	Reed
Bayh	Edwards	Robb
Biden	Feingold	Rockefeller
Bunning	Hatch	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Sessions
Campbell	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Craig	Kohl	Thurmond
Crapo	Leahy	Torricelli
DeWine	Levin	Wellstone

NOT VOTING—3

Inouye	Kennedy	McCain

The motion was agreed to.

Mr. ROTH. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2430

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided for a vote on the motion to table the LANDRIEU amendment.

Ms. LANDRIEU. Mr. President, I will not ask my colleagues to vote. I will ask for the vote to be vitiated. However, I want to spend 1 minute on this amendment because there seems to be a misunderstanding about some of the facts. With all respect to the chairman and ranking member who do not support this amendment, perhaps we will have longer to debate this in the years to come.

It is my understanding—and I am supporting this bill—that our idea is to help develop the continent of Africa in a mutually beneficial way that helps our Nation, also. However, in the current draft of the bill, there is an island that is included which is technically part of Africa. There are 1 million inhabitants and the per capita GDP is $10,300, far exceeding other nations, such as Sudan with a GDP of $875; Ethiopia, with a GDP of $520; Somalia, with a GDP of $600 per year per capita.

I don't understand why we are including some islands that are already doing very well—in fact, better than some of our European nations. I bring this to the attention of the Senate. I will not ask for a vote. The ranking member has said there are administrative provisions in this trade agreement that make it clear our efforts are directed to the nations that need development and not to give preferential treatment to nations or areas that are already quite developed.

That is my only point. I am not going to ask the Senate to vote on it. Perhaps we will have a time to discuss this in the next year or the next Congress.

Mr. MOYNIHAN. Mr. President, I thank my distinguished colleague. She is absolutely right. We should address this issue. We will. I thank her for bringing it before us and do not forget to come back.

I yield the floor.

Mr. ROTH. Mr. President, I ask unanimous consent we dispense with the vote on the motion to table the Landrieu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I believe my amendment is next in order?

The PRESIDING OFFICER. The Chair has an inquiry. Is it the intention of the Senator from Delaware—is the motion to withdraw the amendment?

Mr. ROTH. The Senator withdrew her amendment and I asked unanimous consent we dispense with the vote on the motion to table.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 2430) was withdrawn.

The PRESIDING OFFICER. The Senator from Iowa is recognized under the previous order.

Mr. HARKIN. For how long? Is it 2 minutes?

The PRESIDING OFFICER. The Senator is recognized to offer an amendment.

Mr. HARKIN. I thought my amendment was pending, under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator would need to call up the amendment.

AMENDMENT NO. 2495

(Purpose: To deny benefits under the legislation to any country that does not comply with the Convention for the Elimination of the Worst Forms of Child Labor)

Mr. HARKIN. I call up amendment 2495.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2495.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no benefits under this Act shall be granted to any country (or to any designated zone in that country) that does not meet and effectively enforce the standards regarding child labor established by the ILO Convention (No. 182) for the Elimination of the Worst Forms of Child Labor.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act and annually thereafter, the President, after consultation with the Trade Policy Review Committee, shall submit a report to Congress on the enforcement of, and compliance with, the standards described in subsection (a).

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, under the understanding, I am going to take just a couple of minutes. Even though there was no time agreement, there was an understanding. I know people want to vote on this.

The PRESIDING OFFICER. If the Senator will yield, the Senate will be in order.

The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment is cosponsored by my colleague from North Carolina, the chairman of the Foreign Relations Committee, Senator HELMS, and also by my friend from Minnesota, Mr. WELLSTONE. As you can see, this has broad philosophical support.

I also at this moment inform my colleagues and thank Senator HELMS for reporting out just this morning, from the Foreign Relations Committee, the Convention 182 on the Elimination of the Worst Forms of Child Labor. That is record time. It was just adopted in June of this year. Then it had to go through some legal reviews and the President submitted to the Senate on August 5, 1999. So I want the chairman to know how much we appreciate the expeditious handling of that and the fact it is reported out. I am hopeful we can get a vote on it before we go out toward the end of this year.

The reason I had the clerk read the entire amendment is because it is not very long and not very convoluted. All it says, basically, is no country will get the benefits of this bill unless they adopt and enforce the provisions of this Convention 182 that was just adopted in June.

I might point out that there are 160 signators to this Convention. It is the first time in history the entire three representatives of the ILO Tripartite group, which are representatives from government, business, and labor agreed on the final form of a convention out of ILO. So it has broad support.

This talk about the worst forms of child labor, child prostitution, child trafficking in drugs, child trafficking itself, hazardous work, any forms of bondage or slavery—all of those are listed under 182. All this amendment says is the benefits of this bill cannot go to any country that does not adopt and enforce the provisions of 182.

I hope we can get a vote on the convention itself before we go out this fall. I believe it will say to all these countries in Africa: We are willing to trade with you, we are willing to help, but if you are going to have child prostitution, if you are going to traffic in kids, going to use kids in the drug trade, if you are going to chain them to looms, and you are not going to let them go to school, you are not going to permit them to have their own childhood—you are not going to get the benefits of this trade bill.

I think it is the least we can do, to try to help take one more step forward in eliminating child labor throughout the world.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, we can all thank the Senator from Iowa for bringing this matter forward. I think we are all close to being unanimously in support of the objectives.

I note, of 160 signatories to the convention, only one country has ratified it; that is the Seychelles, an island complex in the Indian Ocean with a population of 75,000.

Building up an international regime in which this convention will take hold and have consequences for the children is going to be the work of a generation. It will be well worth it, but we are only at the beginning. The chairman of the Foreign Relations Committee is to be congratulated and thanked for reporting the bill out. But we have not ratified it. That is the situation we face. But let us go forward with this vote.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2495.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, Mr. KENNEDY would vote ''aye.''

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—96

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McConnell
Ashcroft	Fitzgerald	Mikulski
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Cleland	Inhofe	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden

NOT VOTING—3

Inouye	Kennedy	McCain

The amendment (No. 2495) was agreed to.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2359, AS MODIFIED

Mr. ROTH. Mr. President, I ask unanimous consent the previously agreed to Grassley-Conrad amendment No. 2359 be modified. Further, the modifications have been agreed to by both sides. I ask unanimous consent that the modification be adopted.

Mr. MOYNIHAN. I so move.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2359), as modified, was agreed to, as follows:

At the end, insert the following new title:

TITLE ___—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Subtitle A—Amendments to the Trade Act of 1974

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Trade Adjustment Assistance for Farmers Act''.

SEC. ___02. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following new chapter:

''CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

''SEC. 291. DEFINITIONS.

''In this chapter:

''(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' means any person who is engaged in the production and sale of an agricultural commodity in the United States and who owns or shares the ownership and risk of loss of the agricultural commodity.

''(2) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means any agricultural commodity (including livestock, fish, or harvested seafood) in its raw or natural state.

''(3) DULY AUTHORIZED REPRESENTATIVE.—The term 'duly authorized representative' means an association of agricultural commodity producers.

''(4) NATIONAL AVERAGE PRICE.—The term 'national average price' means the national average price paid to an agricultural commodity producer for an agricultural commodity in a marketing year as determined by the Secretary of Agriculture.

''(5) CONTRIBUTED IMPORTANTLY.—

''(A) IN GENERAL.—The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

''(B) DETERMINATION OF CONTRIBUTED IMPORTANTLY.—The determination of whether imports of articles like or directly competitive with an agricultural commodity with respect to which the petition under this chapter was filed contributed importantly to a decline in the price of the agricultural commodity shall be made by the Secretary of Agriculture.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''SEC. 292. PETITIONS; GROUP ELIGIBILITY.

''(a) IN GENERAL.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of agricultural commodity producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

''(b) HEARINGS.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

''(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

''(1) that the national average price for the agricultural commodity, or a class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year; and

''(2) that either—

''(A) increases in imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price described in paragraph (1); or

''(B) imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group account for a significant percentage of the domestic market for the agricultural commodity (or class of goods) and have contributed importantly to the decline in price described in paragraph (1).

''(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT YEARS.—A group of agricultural commodity producers certified as eligible under section 293 shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

''(1) the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

''(2) the requirements of subsection (c)(2)(A) or (B) are met.

''(e) DETERMINATION OF QUALIFIED YEAR AND COMMODITY.—In this chapter:

''(1) QUALIFIED YEAR.—The term 'qualified year', with respect to a group of agricultural commodity producers certified as eligible under section 293, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

''(2) CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 296.

''SEC. 293. DETERMINATIONS BY SECRETARY.

''(a) IN GENERAL.—As soon as possible after the date on which a petition is filed under section 292, but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 292(c) (or (d), as the case may be) and shall, if so, issue a certification of eligibility to apply for assistance under this chapter covering agricultural commodity producers in any group that meet the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

''(b) NOTICE.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register together with the Secretary's reasons for making the determination.

''(c) TERMINATION OF CERTIFICATION.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the agricultural commodity covered by the certification is no longer attributable to the conditions described in section 292, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register together with the Secretary's reasons for making such determination.

''SEC. 294. STUDY BY SECRETARY WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

''(a) IN GENERAL.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately begin a study of—

''(1) the number of agricultural commodity producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

''(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

''(b) REPORT.—The report of the Secretary of the study under subsection (a) shall be

made to the President not later than 15 days after the day on which the Commission makes its report under section 202(f). Upon making his report to the President, the Secretary shall also promptly make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

"SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.

''(a) IN GENERAL.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

''(b) NOTICE OF BENEFITS.—

''(1) IN GENERAL.—The Secretary shall mail written notice of the benefits available under this chapter to each agricultural commodity producer that the Secretary has reason to believe is covered by a certification made under this chapter.

''(2) OTHER NOTICE.—The Secretary shall publish notice of the benefits available under this chapter to agricultural commodity producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

"SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICULTURAL COMMODITY PRODUCERS.

''(a) IN GENERAL.—Payment of a trade adjustment allowance shall be made to an adversely affected agricultural commodity producer covered by a certification under this chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the following conditions are met:

''(1) The producer submits to the Secretary sufficient information to establish the amount of agricultural commodity covered by the application filed under subsection (a), that was produced by the producer in the most recent year.

''(2) The producer certifies that the producer has not received cash benefits under any provision of this title other than this chapter.

''(3) The producer's net farm income (as determined by the Secretary) for the most recent year is less than the producer's net farm income for the latest year in which no adjustment assistance was received by the producer under this chapter.

''(4) The producer certifies that the producer has met with an Extension Service employee or agent to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected agricultural commodity, including—

''(A) information regarding the feasibility and desirability of substituting 1 or more alternative commodities for the adversely affected agricultural commodity; and

''(B) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected agricultural commodity by the producer, including yield and marketing improvements.

''(b) AMOUNT OF CASH BENEFITS.—

''(1) IN GENERAL.—Subject to the provisions of section 298, an adversely affected agricultural commodity producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

''(A) one-half of the difference between—

''(i) an amount equal to 80 percent of the average of the national average price of the agricultural commodity covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year, and

''(ii) the national average price of the agricultural commodity for the most recent marketing year, and

''(B) the amount of the agricultural commodity produced by the agricultural commodity producer in the most recent marketing year.

''(2) SPECIAL RULE FOR SUBSEQUENT QUALIFIED YEARS.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the agricultural commodity shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification.

''(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—The maximum amount of cash benefits an agricultural commodity producer may receive in any 12-month period shall not exceed $10,000.

''(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer entitled to receive a cash benefit under this chapter—

''(1) shall not be eligible for any other cash benefit under this title, and

''(2) shall be entitled to employment services and training benefits under sections 235 and 236.

"SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.

''(a) IN GENERAL.—

''(1) REPAYMENT.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary that—

''(A) the payment was made without fault on the part of such person, and

''(B) requiring such repayment would be contrary to equity and good conscience.

''(2) RECOVERY OF OVERPAYMENT.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

''(b) FALSE STATEMENTS.—If the Secretary, or a court of competent jurisdiction, determines that a person—

''(1) knowingly has made, or caused another to make, a false statement or representation of a material fact, or

''(2) knowingly has failed, or caused another to fail, to disclose a material fact,

and as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled, such person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter.

''(c) NOTICE AND DETERMINATION.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

''(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

''(e) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Department of Agriculture for fiscal years 2000 through 2001, such sums as may be necessary to carry out the purposes of this chapter not to exceed $100,000,000 for each fiscal year.''.

''(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.''.

(b) CONFORMING AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the items relating to chapter 5, the following:

''CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

''Sec. 291. Definitions.
''Sec. 292. Petitions; group eligibility.
''Sec. 293. Determinations by Secretary.
''Sec. 294. Study by Secretary when International Trade Commission begins investigation.
''Sec. 295. Benefit information to agricultural commodity producers.
''Sec. 296. Qualifying requirements for agricultural commodity producers.
''Sec. 297. Fraud and recovery of overpayments.
''Sec. 298. Authorization of appropriations.''.

Subtitle B—Revenue Provisions Relating to Trade Adjustment Assistance

SEC. ___10. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. ___11. MODIFICATIONS TO ASSET DIVERSIFICATION TEST.

(a) IN GENERAL.—Subparagraph (B) of section 856(c)(4) is amended to read as follows:

''(B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)),

''(ii) not more than 20 percent of the value of its total assets is represented by securities of 1 or more taxable REIT subsidiaries, and

''(iii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

''(I) not more than 5 percent of the value of its total assets is represented by securities of any one issuer,

''(II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any one issuer, and

''(III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any one issuer.''.

(b) EXCEPTION FOR STRAIGHT DEBT SECURITIES.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

''(7) STRAIGHT DEBT SAFE HARBOR IN APPLYING PARAGRAPH (4).—Securities of an issuer which are straight debt (as defined in section 1361(c)(5) without regard to subparagraph

(B)(iii) thereof) shall not be taken into account in applying paragraph (4)(B)(ii)(III) if—

''(A) the issuer is an individual, or

''(B) the only securities of such issuer which are held by the trust or a taxable REIT subsidiary of the trust are straight debt (as so defined), or

''(C) the issuer is a partnership and the trust holds at least a 20 percent profits interest in the partnership.''.

SEC. ___12. TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.

(a) INCOME FROM TAXABLE REIT SUBSIDIARIES NOT TREATED AS IMPERMISSIBLE TENANT SERVICE INCOME.—Clause (i) of section 856(d)(7)(C) (relating to exceptions to impermissible tenant service income) is amended by inserting ''or through a taxable REIT subsidiary of such trust'' after ''income''.

(b) CERTAIN INCOME FROM TAXABLE REIT SUBSIDIARIES NOT EXCLUDED FROM RENTS FROM REAL PROPERTY.—

(1) IN GENERAL.—Subsection (d) of section 856 (relating to rents from real property defined) is amended by adding at the end the following new paragraphs:

''(8) SPECIAL RULE FOR TAXABLE REIT SUBSIDIARIES.—For purposes of this subsection, amounts paid to a real estate investment trust by a taxable REIT subsidiary of such trust shall not be excluded from rents from real property by reason of paragraph (2)(B) if the requirements of either of the following subparagraphs are met:

''(A) LIMITED RENTAL EXCEPTION.—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in section 856(d)(2)(B). The preceding sentence shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents made by the other tenants of the trust's property for comparable space.

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.

''(9) ELIGIBLE INDEPENDENT CONTRACTOR.—For purposes of paragraph (8)(B)—

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility, any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate the facility, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility by reason of any of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of the facility pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such facility, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility.

''(C) RENEWALS, ETC., OF EXISTING LEASES.—For purposes of subparagraph (B)(iii)—

''(i) a lease shall be treated as in effect on January 1, 1999, without regard to its renewal after such date, so long as such renewal is pursuant to the terms of such lease as in effect on whichever of the dates under subparagraph (B)(iii) is the latest, and

''(ii) a lease of a property entered into after whichever of the dates under subparagraph (B)(iii) is the latest shall be treated as in effect on such date if—

''(I) on such date, a lease of such property from the trust was in effect, and

''(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

''(D) QUALIFIED LODGING FACILITY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified lodging facility' means any lodging facility unless wagering activities are conducted at or in connection with such facility by any person who is engaged in the business of accepting wagers and who is legally authorized to engage in such business at or in connection with such facility.

''(ii) LODGING FACILITY.—The term 'lodging facility' means a hotel, motel, or other establishment more than one-half of the dwelling units in which are used on a transient basis.

''(iii) CUSTOMARY AMENITIES AND FACILITIES.—The term 'lodging facility' includes customary amenities and facilities operated as part of, or associated with, the lodging facility so long as such amenities and facilities are customary for other properties of a comparable size and class owned by other owners unrelated to such real estate investment trust.

''(E) OPERATE INCLUDES MANAGE.—References in this paragraph to operating a property shall be treated as including a reference to managing the property.

''(F) RELATED PERSON.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.''.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 856(d)(2) is amended by inserting ''except as provided in paragraph (8),'' after ''(B)''.

(3) DETERMINING RENTS FROM REAL PROPERTY.—

(A)(i) Paragraph (1) of section 856(d) is amended by striking ''adjusted bases'' each place it occurs and inserting ''fair market values''.

(ii) The amendment made by this subparagraph shall apply to taxable years beginning after December 31, 2000.

(B)(i) Clause (i) of section 856(d)(2)(B) is amended by striking ''number'' and inserting ''value''.

(ii) The amendment made by this subparagraph shall apply to amounts received or accrued in taxable years beginning after December 31, 2000, except for amounts paid pursuant to leases in effect on July 12, 1999, or pursuant to a binding contract in effect on such date and at all times thereafter.

SEC. ___13. TAXABLE REIT SUBSIDIARY.

(a) IN GENERAL.—Section 856 is amended by adding at the end the following new subsection:

''(l) TAXABLE REIT SUBSIDIARY.—For purposes of this part—

''(1) IN GENERAL.—The term 'taxable REIT subsidiary' means, with respect to a real estate investment trust, a corporation (other than a real estate investment trust) if—

''(A) such trust directly or indirectly owns stock in such corporation, and

''(B) such trust and such corporation jointly elect that such corporation shall be treated as a taxable REIT subsidiary of such trust for purposes of this part.

Such an election, once made, shall be irrevocable unless both such trust and corporation consent to its revocation. Such election, and any revocation thereof, may be made without the consent of the Secretary.

''(2) 35 PERCENT OWNERSHIP IN ANOTHER TAXABLE REIT SUBSIDIARY.—The term 'taxable REIT subsidiary' includes, with respect to any real estate investment trust, any corporation (other than a real estate investment trust) with respect to which a taxable REIT subsidiary of such trust owns directly or indirectly—

''(A) securities possessing more than 35 percent of the total voting power of the outstanding securities of such corporation, or

''(B) securities having a value of more than 35 percent of the total value of the outstanding securities of such corporation.

The preceding sentence shall not apply to a qualified REIT subsidiary (as defined in subsection (i)(2)). The rule of section 856(c)(7) shall apply for purposes of subparagraph (B).

''(3) EXCEPTIONS.—The term 'taxable REIT subsidiary' shall not include—

''(A) any corporation which directly or indirectly operates or manages a lodging facility or a health care facility, and

''(B) any corporation which directly or indirectly provides to any other person (under a franchise, license, or otherwise) rights to any brand name under which any lodging facility or health care facility is operated.

Subparagraph (B) shall not apply to rights provided to an eligible independent contractor to operate or manage a lodging facility if such rights are held by such corporation as a franchisee, licensee, or in a similar capacity and such lodging facility is either owned by such corporation or is leased to such corporation from the real estate investment trust.

''(4) DEFINITIONS.—For purposes of paragraph (3)—

''(A) LODGING FACILITY.—The term 'lodging facility' has the meaning given to such term by paragraph (9)(D)(ii).

''(B) HEALTH CARE FACILITY.—The term 'health care facility' has the meaning given to such term by subsection (e)(6)(D)(ii).''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 856(i) is amended by adding at the end the following new sentence: ''Such term shall not include a taxable REIT subsidiary.''.

SEC. ___14. LIMITATION ON EARNINGS STRIPPING.

Paragraph (3) of section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) any interest paid or accrued (directly or indirectly) by a taxable REIT subsidiary (as defined in section 856(l)) of a real estate investment trust to such trust.''.

SEC. ___15. 100 PERCENT TAX ON IMPROPERLY ALLOCATED AMOUNTS.

(a) IN GENERAL.—Subsection (b) of section 857 (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

''(7) INCOME FROM REDETERMINED RENTS, REDETERMINED DEDUCTIONS, AND EXCESS INTEREST.—

''(A) IMPOSITION OF TAX.—There is hereby imposed for each taxable year of the real estate investment trust a tax equal to 100 percent of redetermined rents, redetermined deductions, and excess interest.

''(B) REDETERMINED RENTS.—

''(i) IN GENERAL.—The term 'redetermined rents' means rents from real property (as defined in subsection 856(d)) the amount of which would (but for subparagraph (E)) be reduced on distribution, apportionment, or allocation under section 482 to clearly reflect income as a result of services furnished or rendered by a taxable REIT subsidiary of the real estate investment trust to a tenant of such trust.

''(ii) EXCEPTION FOR CERTAIN SERVICES.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust for services described in paragraph (1)(B) or (7)(C)(i) of section 856(d).

''(iii) EXCEPTION FOR DE MINIMIS AMOUNTS.—Clause (i) shall not apply to amounts described in section 856(d)(7)(A) with respect to a property to the extent such amounts do not exceed the one percent threshold described in section 856(d)(7)(B) with respect to such property.

''(iv) EXCEPTION FOR COMPARABLY PRICED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

''(I) such subsidiary renders a significant amount of similar services to persons other than such trust and tenants of such trust who are unrelated (within the meaning of section 856(d)(8)(F)) to such subsidiary, trust, and tenants, but

''(II) only to the extent the charge for such service so rendered is substantially comparable to the charge for the similar services rendered to persons referred to in subclause (I).

''(v) EXCEPTION FOR CERTAIN SEPARATELY CHARGED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

''(I) the rents paid to the trust by tenants (leasing at least 25 percent of the net leasable space in the trust's property) who are not receiving such service from such subsidiary are substantially comparable to the rents paid by tenants leasing comparable space who are receiving such service from such subsidiary, and

''(II) the charge for such service from such subsidiary is separately stated.

''(vi) EXCEPTION FOR CERTAIN SERVICES BASED ON SUBSIDIARY'S INCOME FROM THE SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if the gross income of such subsidiary from such service is not less than 150 percent of such subsidiary's direct cost in furnishing or rendering the service.

''(vii) EXCEPTIONS GRANTED BY SECRETARY.—The Secretary may waive the tax otherwise imposed by subparagraph (A) if the trust establishes to the satisfaction of the Secretary that rents charged to tenants were established on an arms' length basis even though a taxable REIT subsidiary of the trust provided services to such tenants.

''(C) REDETERMINED DEDUCTIONS.—The term 'redetermined deductions' means deductions (other than redetermined rents) of a taxable REIT subsidiary of a real estate investment trust if the amount of such deductions would (but for subparagraph (E)) be decreased on distribution, apportionment, or allocation under section 482 to clearly reflect income as between such subsidiary and such trust.

''(D) EXCESS INTEREST.—The term 'excess interest' means any deductions for interest payments by a taxable REIT subsidiary of a real estate investment trust to such trust to the extent that the interest payments are in excess of a rate that is commercially reasonable.

''(E) COORDINATION WITH SECTION 482.—The imposition of tax under subparagraph (A) shall be in lieu of any distribution, apportionment, or allocation under section 482.

''(F) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph. Until the Secretary prescribes such regulations, real estate investment trusts and their taxable REIT subsidiaries may base their allocations on any reasonable method.''.

(b) AMOUNT SUBJECT TO TAX NOT REQUIRED TO BE DISTRIBUTED.—Subparagraph (E) of section 857(b)(2) (relating to real estate investment trust taxable income) is amended by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (7)''.

SEC. ___16. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections ___11 through ___15 shall apply to taxable years beginning after December 31, 2000.

(b) TRANSITIONAL RULES RELATED TO SECTION ___11.—

(1) EXISTING ARRANGEMENTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by section ___11 shall not apply to a real estate investment trust with respect to—

(i) securities of a corporation held directly or indirectly by such trust on July 12, 1999,

(ii) securities of a corporation held by an entity on July 12, 1999, if such trust acquires control of such entity pursuant to a written binding contract in effect on such date and at all times thereafter before such acquisition,

(iii) securities received by such trust (or a successor) in exchange for, or with respect to, securities described in clause (i) or (ii) in a transaction in which gain or loss is not recognized, and

(iv) securities acquired directly or indirectly by such trust as part of a reorganization (as defined in section 368(a)(1) of the Internal Revenue Code of 1986) with respect to such trust if such securities are described in clause (i), (ii), or (iii) with respect to any other real estate investment trust.

(B) NEW TRADE OR BUSINESS OR SUBSTANTIAL NEW ASSETS.—Subparagraph (A) shall cease to apply to securities of a corporation as of the first day after July 12, 1999, on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than—

(i) pursuant to a binding contract in effect on such date and at all times thereafter before the acquisition of such asset,

(ii) in a transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Internal Revenue Code of 1986, or

(iii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(C) LIMITATION ON TRANSITION RULES.—Subparagraph (A) shall cease to apply to securities of a corporation held, acquired, or received, directly or indirectly, by a real estate investment trust as of the first day after July 12, 1999, on which such trust acquires any additional securities of such corporation other than—

(i) pursuant to a binding contract in effect on July 12, 1999, and at all times thereafter, or

(ii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(2) TAX-FREE CONVERSION.—If—

(A) at the time of an election for a corporation to become a taxable REIT subsidiary, the amendment made by section ___11 does not apply to such corporation by reason of paragraph (1), and

(B) such election first takes effect before January 1, 2004,

such election shall be treated as a reorganization qualifying under section 368(a)(1)(A) of such Code.

SEC. ___17. HEALTH CARE REITS.

(a) SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.—Subsection (e) of section 856 (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

''(A) ACQUISITION AT EXPIRATION OF LEASE.—The term 'foreclosure property' shall include any qualified health care property acquired by a real estate investment trust as the result of the termination of a lease of such property (other than a termination by reason of a default, or the imminence of a default, on the lease).

''(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

''(i) the qualified health care property shall cease to be foreclosure property as of the close of the second taxable year after the taxable year in which such trust acquired such property, and

''(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust's interest in such qualified health care property, the Secretary may grant one or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the close of the 6th year after the taxable year in which such trust acquired such qualified health care property.

''(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property by reason of subparagraph (A) or paragraph (1), income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

''(i) any lease of property in effect on the date the real estate investment trust acquired the qualified health care property (without regard to its renewal after such date so long as such renewal is pursuant to the terms of such lease as in effect on such date), or

''(ii) any lease of property entered into after such date if—

''(I) on such date, a lease of such property from the trust was in effect, and

''(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

''(D) QUALIFIED HEALTH CARE PROPERTY.—

''(i) IN GENERAL.—The term 'qualified health care property' means any real property (including interests therein), and any personal property incident to such real property, which—

''(I) is a health care facility, or

''(II) is necessary or incidental to the use of a health care facility.

''(ii) HEALTH CARE FACILITY.—For purposes of clause (i), the term 'health care facility' means a hospital, nursing facility, assisted living facility, congregate care facility, qualified continuing care facility (as defined in section 7872(g)(4)), or other licensed facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the medicare program under title XVIII of the Social Security Act with respect to such facility.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. ___18. CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.

(a) DISTRIBUTION REQUIREMENT.—Clauses (i) and (ii) of section 857(a)(1)(A) (relating to requirements applicable to real estate investment trusts) are each amended by striking ''95 percent (90 percent for taxable years beginning before January 1, 1980)'' and inserting ''90 percent''.

(b) IMPOSITION OF TAX.—Clause (i) of section 857(b)(5)(A) (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking ''95 percent (90 percent in the case of taxable years beginning before January 1, 1980)'' and inserting ''90 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. ___19. CLARIFICATION OF EXCEPTION FOR INDEPENDENT OPERATORS.

(a) IN GENERAL.—Paragraph (3) of section 856(d) (relating to independent contractor defined) is amended by adding at the end the following flush sentence:

''In the event that any class of stock of either the real estate investment trust or such person is regularly traded on an established securities market, only persons who own, directly or indirectly, more than 5 percent of such class of stock shall be taken into account as owning any of the stock of such class for purposes of applying the 35 percent limitation set forth in subparagraph (B) (but all of the outstanding stock of such class shall be considered outstanding in order to compute the denominator for purpose of determining the applicable percentage of ownership).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. ___20. MODIFICATION OF EARNINGS AND PROFITS RULES.

(a) RULES FOR DETERMINING WHETHER REGULATED INVESTMENT COMPANY HAS EARNINGS AND PROFITS FROM NON-RIC YEAR.—Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

''(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

''(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from the earliest earnings and profits accumulated in any taxable year to which the provisions of this part did not apply rather than the most recently accumulated earnings and profits, and

''(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(D) and section 855.''.

(b) CLARIFICATION OF APPLICATION OF REIT SPILLOVER DIVIDEND RULES TO DISTRIBUTIONS TO MEET QUALIFICATION REQUIREMENT.—Subparagraph (B) of section 857(d)(3) is amended by inserting before the period ''and section 858''.

(c) APPLICATION OF DEFICIENCY DIVIDEND PROCEDURES.—Paragraph (1) of section 852(e) is amended by adding at the end the following new sentence: ''If the determination under subparagraph (A) is solely as a result of the failure to meet the requirements of subsection (a)(2), the preceding sentence shall also apply for purposes of applying subsection (a)(2) to the non-RIC year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. ___21. MODIFICATION OF ESTIMATED TAX RULES FOR CLOSELY HELD REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Subsection (e) of section 6655 (relating to estimated tax by corporations) is amended by adding at the end the following new paragraph:

''(5) TREATMENT OF CERTAIN REIT DIVIDENDS.—

''(A) IN GENERAL.—Any dividend received from a closely held real estate investment trust by any person which owns (after application of subsections (d)(5) and (l)(3)(B) of section 856) 10 percent or more (by vote or value) of the stock or beneficial interests in the trust shall be taken into account in computing annualized income installments under paragraph (2) in a manner similar to the manner under which partnership income inclusions are taken into account.

''(B) CLOSELY HELD REIT.—For purposes of subparagraph (A), the term 'closely held real estate investment trust' means a real estate investment trust with respect to which 5 or fewer persons own (after application of subsections (d)(5) and (l)(3)(B) of section 856) 50 percent or more (by vote or value) of the stock or beneficial interests in the trust.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to estimated tax payments due on or after November 15, 1999.

SEC. ___22. CONTROLLED ENTITIES INELIGIBLE FOR REIT STATUS.

(a) IN GENERAL.—Subsection (a) of section 856 (relating to definition of real estate investment trust) is amended by striking ''and'' at the end of paragraph (6), by redesignating paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

''(7) which is not a controlled entity (as defined in subsection (l)); and''.

(b) CONTROLLED ENTITY.—Section 856 is amended by adding at the end the following new subsection:

''(l) CONTROLLED ENTITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(7), an entity is a controlled entity if, at any time during the taxable year, one person (other than a qualified entity)—

''(A) in the case of a corporation, owns stock—

''(i) possessing at least 50 percent of the total voting power of the stock of such corporation, or

''(ii) having a value equal to at least 50 percent of the total value of the stock of such corporation, or

''(B) in the case of a trust, owns beneficial interests in the trust which would meet the requirements of subparagraph (A) if such interests were stock.

''(2) QUALIFIED ENTITY.—For purposes of paragraph (1), the term 'qualified entity' means—

''(A) any real estate investment trust, and

''(B) any partnership in which one real estate investment trust owns at least 50 percent of the capital and profits interests in the partnership.

''(3) ATTRIBUTION RULES.—For purposes of this paragraphs (1) and (2)—

''(A) IN GENERAL.—Rules similar to the rules of subsections (d)(5) and (h)(3) shall apply; except that section 318(a)(3)(C) shall not be applied under such rules to treat stock owned by a qualified entity as being owned by a person which is not a qualified entity.

''(B) STAPLED ENTITIES.—A group of entities which are stapled entities (as defined in section 269B(c)(2)) shall be treated as one person.

''(4) EXCEPTION FOR CERTAIN NEW REITS.—

''(A) IN GENERAL.—The term 'controlled entity' shall not include an incubator REIT.

''(B) INCUBATOR REIT.—A corporation shall be treated as an incubator REIT for any taxable year during the eligibility period if it meets all the following requirements for such year:

''(i) The corporation elects to be treated as an incubator REIT.

''(ii) The corporation has only voting common stock outstanding.

''(iii) Not more than 50 percent of the corporation's real estate assets consist of mortgages.

''(iv) From not later than the beginning of the last half of the second taxable year, at least 10 percent of the corporation's capital is provided by lenders or equity investors who are unrelated to the corporation's largest shareholder.

''(v) The corporation annually increases the value of its real estate assets by at least 10 percent.

''(vi) The directors of the corporation adopt a resolution setting forth an intent to engage in a going public transaction.

No election may be made with respect to any REIT if an election under this subsection was in effect for any predecessor of such REIT. The requirement of clause (ii) shall not fail to be met merely because a going public transaction is accomplished through a transaction described in section 368(a)(1) with another corporation which had another class of stock outstanding prior to the transaction.

''(C) ELIGIBILITY PERIOD.—

''(i) IN GENERAL.—The eligibility period (for which an incubator REIT election can be made) begins with the REIT's second taxable year and ends at the close of the REIT's third taxable year, except that the REIT may, subject to clauses (ii), (iii), and (iv), elect to extend such period for an additional 2 taxable years.

''(ii) GOING PUBLIC TRANSACTION.—A REIT may not elect to extend the eligibility period under clause (i) unless it enters into an agreement with the Secretary that if it does not engage in a going public transaction by the end of the extended eligibility period, it shall pay Federal income taxes for the 2 years of the extended eligibility period as if it had not made an incubator REIT election and had ceased to qualify as a REIT for those 2 taxable years.

''(iii) RETURNS, INTEREST, AND NOTICE.—

''(I) RETURNS.—In the event the corporation ceases to be treated as a REIT by operation of clause (ii), the corporation shall file any appropriate amended returns reflecting the change in status within 3 months of the close of the extended eligibility period.

''(II) INTEREST.—Interest shall be payable on any tax imposed by reason of clause (ii) for any taxable year but, unless there was a finding under subparagraph (D), no substantial underpayment penalties shall be imposed.

''(III) NOTICE.—The corporation shall, at the same time it files its returns under subclause (I), notify its shareholders and any other persons whose tax position is, or may reasonably be expected to be, affected by the change in status so they also may file any appropriate amended returns to conform their tax treatment consistent with the corporation's loss of REIT status.

''(IV) REGULATIONS.—The Secretary shall provide appropriate regulations setting forth transferee liability and other provisions to ensure collection of tax and the proper administration of this provision.

''(iv) Clauses (ii) and (iii) shall not apply if the corporation allows its incubator REIT status to lapse at the end of the initial 2-year eligibility period without engaging in a going public transaction if the corporation is not a controlled entity as of the beginning of its fourth taxable year. In such a case, the corporation's directors may still be liable for the penalties described in subparagraph (D) during the eligibility period.

''(D) SPECIAL PENALTIES.—If the Secretary determines that an incubator REIT election was filed for a principal purpose other than as part of a reasonable plan to undertake a going public transaction, an excise tax of $20,000 shall be imposed on each of the corporation's directors for each taxable year for which an election was in effect.

''(E) GOING PUBLIC TRANSACTION.—For purposes of this paragraph, a going public transaction means—

''(i) a public offering of shares of the stock of the incubator REIT;

''(ii) a transaction, or series of transactions, that results in the stock of the incubator REIT being regularly traded on an established securities market and that results in at least 50 percent of such stock being held by shareholders who are unrelated to persons who held such stock before it began to be so regularly traded; or

''(iii) any transaction resulting in ownership of the REIT by 200 or more persons (excluding the largest single shareholder) who in the aggregate own at least 50 percent of the stock of the REIT.

For the purposes of this subparagraph, the rules of paragraph (3) shall apply in determining the ownership of stock.

''(F) DEFINITIONS.—The term 'established securities market' shall have the meaning set forth in the regulations under section 897.''

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 856(h) is amended by striking ''and (6)'' each place it appears and inserting '', (6), and (7)''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after July 14, 1999.

(2) EXCEPTION FOR EXISTING CONTROLLED ENTITIES.—The amendments made by this section shall not apply to any entity which is a controlled entity (as defined in section 856(l) of the Internal Revenue Code of 1986, as added by this section) as of July 14, 1999, which is a real estate investment trust for the taxable year which includes such date, and which has significant business assets or activities as of such date. For purposes of the preceding sentence, an entity shall be treated as such a controlled entity on July 14, 1999, if it becomes such an entity after such date in a transaction—

(A) made pursuant to a written agreement which was binding on such date and at all times thereafter, or

(B) described on or before such date in a filing with the Securities and Exchange Commission required solely by reason of the transaction.

SEC. ___23. MODIFICATION OF INDIVIDUAL ESTIMATED TAX SAFE HARBOR.

(a) IN GENERAL.—The table contained in clause (i) of section 6654(d)(1)(C) (relating to limitation on use of preceding year's tax) is amended by striking all matter beginning with the item relating to 1999 or 2000 and inserting the following new items:

''1999	106.5
2000	106
2001	112
2002 or thereafter	110''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 1999.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2360, AS MODIFIED

Mr. CONRAD. Mr. President, I call up my amendment No. 2360.

The PRESIDING OFFICER. The amendment has been reported earlier. It is now pending.

Mr. CONRAD. I ask unanimous consent to modify my amendment and send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill, insert the following new section:

SEC. ___. AGRICULTURE TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) United States agriculture contributes positively to the United States balance of trade and United States agricultural exports support in excess of 1,000,000 United States jobs;

(2) United States agriculture competes successfully worldwide despite the fact that United States producers are at a competitive disadvantage because of the trade distorting support and subsidy practices of other countries and despite the fact that significant tariff and nontariff barriers exist to United States exports; and

(3) a successful conclusion of the next round of World Trade Organization negotiations is critically important to the United States agricultural sector.

(b) OBJECTIVES.—The agricultural trade negotiating objectives of the United States with respect to the World Trade Organization negotiations include—

(1) immediately eliminating all export subsidies worldwide while maintaining bona fide food aid and preserving United States market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(2) leveling the playing field for United States producers of agricultural products by eliminating blue box subsidies and disciplining domestic supports in a way that forces producers to face world prices on all production in excess of domestic food security needs while allowing the preservation of non-trade distorting programs to support family farms and rural communities;

(3) disciplining state trading enterprises by insisting on transparency and banning discriminatory pricing practices that amount to de facto export subsidies so that the enterprises do not (except in cases of bona fide food aid) sell in foreign markets at prices below domestic market prices or prices below the full costs of acquiring and delivering agricultural products to the foreign markets;

(4) insisting that the Sanitary and Phytosanitary Accord agreed to in the Uruguay Round applies to new technologies, including biotechnology, and clarifying that labeling requirements to allow consumers to make choices regarding biotechnology products or other regulatory requirements cannot be used as disguised barriers to trade;

(5) increasing opportunities for United States exports of agricultural products by first reducing tariff and nontariff barriers to trade to the same or lower levels than exist in the United States and then eliminating barriers, such as—

(A) restrictive or trade distorting practices that adversely impact perishable or cyclical products;

(B) restrictive rules in the administration of tariff-rate quotas; and

(C) unjustified sanitary and phytosanitary restrictions or other unjustified technical barriers to agricultural trade;

(6) encouraging government policies that avoid price-depressing surpluses; and

(7) strengthening dispute settlement procedures so that countries cannot maintain unjustified restrictions on United States exports in contravention of their commitments.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION BEFORE OFFER MADE.—Before the United States Trade Representative negotiates a trade agreement that would reduce tariffs on agricultural products or require a change in United States agricultural law, the United States Trade Representative shall consult with the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate and the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives.

(2) CONSULTATION BEFORE AGREEMENT INITIALED.—Not less than 48 hours before initialing an agreement relating to agricultural trade negotiated under the auspices of the World Trade Organization, the United States Trade Representative shall consult closely with the committees referred to in paragraph (1) regarding—

(A) the details of the agreement;

(B) the potential impact of the agreement on United States agricultural producers; and

(C) any changes in United States law necessary to implement the agreement.

(3) NO SECRET SIDE DEALS.—Any agreement or other understanding (whether verbal or in writing) that relates to agricultural trade that is not disclosed to the Congress before legislation implementing a trade agreement is introduced in either house of Congress shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) reaching a successful agreement on agriculture should be the top priority of United States negotiators; and

(2) if the primary competitors of the United States do not reduce their trade distorting domestic supports and export subsidies in accordance with the negotiating objectives expressed in this section, the United States should take steps to increase the leverage of United States negotiators and level the playing field for United States producers in order to improve United States farm income and to encourage United States competitors to eliminate export subsidies and domestic supports that are harmful to United States farmers and ranchers.

Mr. CONRAD. Mr. President, for point of clarification, this is a matter

that has now been negotiated so that we could reach agreement on the negotiating objectives for our trade representatives at the WTO Round.

I thank all the Members who have participated in this, certainly my cosponsor, Senator GRASSLEY of Iowa, and a special thanks to the chairman of the committee and the ranking member of the committee for their assistance in working this out.

I thank the Chair and yield the floor.

Mr. ROTH. Mr. President, we are prepared to accept the modification.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, it is so ordered. The amendment, as modified, is agreed to.

The amendment (No. 2360), as modified, was agreed to.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2427, AS MODIFIED

(Purpose: To provide expanded trade benefits to countries in sub-Saharan Africa)

Mr. FEINGOLD. Mr. President, I call up amendment No. 2427 and ask unanimous consent that it be modified with the language I send to the desk.

The PRESIDING OFFICER. Is there objection to the request?

Mr. ROTH. Mr. President, I reserve the right to object.

Would the Senator tell me what the modification is?

Mr. FEINGOLD. I say to the Senator, we have worked this out with you and your staff. What it does is add a certain number of items, goods, to the Lome Treaty product list of items that could be covered under this agreement. Actually, it makes it consistent with the legislation we have before us.

I believe we worked this out in advance with the Senator.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Is there objection to the request of the Senator from Wisconsin? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2427.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Strike sections 111 through 114 and insert the following:

SEC. 111. ENCOURAGING MUTUALLY BENEFICIAL TRADE AND INVESTMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) A mutually beneficial United States Sub-Saharan Africa trade policy will grant new access to the United States market for a broad range of goods produced in Africa, by Africans, and include safeguards to ensure that the corporations manufacturing these goods (or the product or manufacture of the oil or mineral extraction industry) respect the rights of their employees and the local environment. Such trade opportunities will promote equitable economic development and thus increase demand in African countries for United States goods and service exports.

(2) Recognizing that the global system of textile and apparel quotas under the MultiFiber Arrangement will be phased out under the Uruguay Round Agreements over the next 5 years with the total termination of the quota system in 2005, the grant of additional access to the United States market in these sectors is a short-lived benefit.

(b) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel imports to the United States from Kenya and Mauritius, respectively, not later than 30 days after each country demonstrates the following:

(A) The country is not ineligible for benefits under section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)).

(B) The country does not engage in significant violations of internationally recognized human rights and the Secretary of State agrees with this determination.

(C)(i) The country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones) as determined under paragraph (5), including the core labor standards enumerated in the appropriate treaties of the International Labor Organization, and including—

(I) the right of association;

(II) the right to organize and bargain collectively;

(III) a prohibition on the use of any form of coerced or compulsory labor;

(IV) the international minimum age for the employment of children (age 15); and

(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(ii) The government of the country ensures that the Secretary of Labor, the head of the national labor agency of the government of that country, and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU-AFRO) each has access to all appropriate records and other information of all business enterprises in the country.

(D) The country is taking adequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (d).

(E) The country is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement.

(F) The cost or value of the textile or apparel product produced in the country, or by companies in any 2 or more sub-Saharan African countries, plus the direct costs of processing operations performed in the country or such countries, is not less than 60 percent of the appraised value of the product at the time it is entered into the customs territory of the United States.

(G) Not less than 90 percent of employees in business enterprises producing the textile and apparel goods are citizens of that country, or any 2 or more sub-Saharan African countries.

(H) The country has established, or is making continual progress toward establishing—

(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes; and

(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for each other country in sub-Saharan Africa if the country is in compliance with the requirements applicable to Kenya and Mauritius under subparagraphs (A) through (H) of paragraph (1).

(3) TECHNICAL ASSISTANCE.—The Customs Service shall provide the necessary technical assistance to sub-Saharan African countries in the development and implementation of adequate measures against the illegal transshipment of goods.

(4) OFFSETTING REDUCTION OF CHINESE QUOTA.—When the quota for textile and apparel products imported from Kenya or Mauritius is eliminated, the quota for textile and apparel products from the People's Republic of China for each calendar year in each product category shall be reduced by the amount equal to the volume of all textile and apparel products in that product category imported from all sub-Saharan African countries into the United States in the preceding calendar year, plus 5 percent of that amount.

(5) DETERMINATION OF COMPLIANCE WITH INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—

(A) DETERMINATION.—

(i) IN GENERAL.—For purposes of carrying out paragraph (1)(C), the Secretary of Labor, in consultation with the individuals described in clause (ii) and pursuant to the procedures described in clause (iii), shall determine whether or not each sub-Saharan African country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones).

(ii) INDIVIDUALS DESCRIBED.—The individuals described in this clause are the head of the national labor agency of the government of the sub-Saharan African country in question and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU-AFRO).

(iii) PUBLIC COMMENT.—Not later than 90 days before the Secretary of Labor makes a determination that a country is in compliance with the requirements of paragraph (1)(C), the Secretary shall publish notice in the Federal Register and an opportunity for public comment. The Secretary shall take into consideration the comments received in making a determination under such paragraph (1)(C).

(B) CONTINUING COMPLIANCE.—In the case of a country for which the Secretary of Labor has made an initial determination under subparagraph (A) that the country is in compliance with the requirements of paragraph (1)(C), the Secretary, in consultation with the individuals described in subparagraph (A), shall, not less than once every 3 years

thereafter, conduct a review and make a determination with respect to that country to ensure continuing compliance with the requirements of paragraph (1)(C). The Secretary shall submit the determination to Congress.

(C) REPORT.—Not later than 6 months after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Labor shall prepare and submit to Congress a report containing—

(i) a description of each determination made under this paragraph during the preceding year;

(ii) a description of the position taken by each of the individuals described in subparagraph (A)(ii) with respect to each such determination; and

(iii) a report on the public comments received pursuant to subparagraph (A)(iii).

(6) REPORT.—Not later than March 31 of each year, the President shall publish in the Federal Register and submit to Congress a report on the growth in textiles and apparel imported into the United States from countries in sub-Saharan Africa in order to inform United States consumers, workers, and textile manufacturers about the effects of the no quota policy.

(c) TREATMENT OF TARIFFS.—The President shall provide an additional benefit of a 50 percent tariff reduction for any textile and apparel product of a sub-Saharan African country that meets the requirements of subparagraphs (A) through (H) of subsection (b)(1) and subsection (d) and that is imported directly into the United States from such sub-Saharan African country if the business enterprise, or a subcontractor of the enterprise, producing the product is in compliance with the following:

(1) Citizens of 1 or more sub-Saharan African countries own not less than 51 percent of the business enterprise.

(2) If the business enterprise involves a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) OBLIGATIONS OF IMPORTERS AND PARTIES ON WHOSE BEHALF APPAREL AND TEXTILES ARE IMPORTED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all imports to the United States of textile and apparel goods pursuant to this Act shall be accompanied by—

(i)(I) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(II) if there is more than one manufacturer or producer, or if there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subclause (I) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(ii) a certification by the importer of record that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(iii) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

(B) LIABILITY.—The importer of record and the final retail seller of the merchandise shall be jointly liable for any material false statement, act, or omission made with the intention or effect of—

(i) circumventing any quota that applies to the merchandise; or

(ii) avoiding any duty that would otherwise be applicable to the merchandise.

(2) OBLIGATIONS OF COUNTRIES TO TAKE ACTION AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President shall ensure that any country in sub-Saharan Africa that intends to import textile and apparel goods into the United States—

(A) has in place adequate measures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) STANDARDS OF PROOF.—

(A) FOR IMPORTERS AND RETAILERS.—

(i) IN GENERAL.—The United States Customs Service (in this Act referred to as the ''Customs Service'') shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) FOR COUNTRIES.—

(i) IN GENERAL.—The President may determine that a country is not taking adequate measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—

(I) IN GENERAL.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) EXAMPLES.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) PENALTIES.—

(A) FOR IMPORTERS AND RETAILERS.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than $100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) FOR COUNTRIES.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) MONITORING AND REPORTS TO CONGRESS.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(e) DEFINITION.—In this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 112. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—

''(i) IN GENERAL.—

''(I) DUTY-FREE TREATMENT.—Subject to clause (ii), the President may provide duty-free treatment for any article described in subclause (II) that is imported directly into the United States from a sub-Saharan African country.

''(II) ARTICLE DESCRIBED.—

''(aa) IN GENERAL.—An article described in this subclause is any article described in section 503(b)(1) (B) through (G) (except for textile luggage) or an article set forth in the

most current Lome Treaty product list, that is the growth, product, or manufacture of a sub-Saharan African country that is a beneficiary developing country and that is in compliance with the requirements of subsections (b) and (d) of section 111 of the African Growth and Opportunity Act, with respect to such article, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of all articles imported from United States Trading partners. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).

''(bb) OTHER REQUIREMENTS.—In addition to meeting the requirements of division (aa), in the case of an article that is the product or manufacture of the oil or mineral extraction industry, and the business enterprise that produces or manufactures the article is involved in a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

''(ii) RULE OF CONSTRUCTION.—For purposes of clause (i), in applying section 111(b)(1) (A) through (H) and section 111(d) of the African Growth and Opportunity Act, any reference to textile and apparel goods or products shall be deemed to refer to the article provided duty-free treatment under clause (i).''.

(b) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 505 the following new section:

''SEC. 505A. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''No duty-free treatment provided under this title shall remain in effect after September 30, 2006 in the case of a beneficiary developing country that is a sub-Saharan African country.''.

(d) DEFINITIONS.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) SUB-SAHARAN AFRICAN COUNTRY.—The terms 'sub-Saharan African country' and 'sub-Saharan African countries' mean a country or countries in sub-Saharan Africa, as defined in section 104 of the African Growth and Opportunity Act.

''(7) LOME TREATY PRODUCT LIST.—The term 'Lome Treaty product list' means the list of products that may be granted duty-free access into the European Union according to the provisions of the fourth iteration of the Lome Covention between the European Union and the African-Caribbean and Pacific States (commonly referred to as 'Lome IV') signed on November 4, 1995.''.

(e) CLERICAL AMENDMENT.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new item:

''505A. Termination of benefits for sub-Saharan African countries.''.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 30 days after the date enactment of this Act.

SEC. 113. ADDITIONAL ENFORCEMENT.

A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under subparagraphs (A) through (H) of section 111(b)(1), section 111(c), and section 111(d) of this Act with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (H) of section 111(b)(1), section 111(c), and section 111(d).

SEC. 114. UNITED STATES-SUB-SAHARAN AFRICAN TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual meetings between senior officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) FIRST MEETING.—The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa.

(2) NONGOVERNMENTAL ORGANIZATIONS.—

(A) IN GENERAL.—The President, in consultation with Congress, shall invite United States nongovernmental organizations to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) PRIVATE SECTOR.—The President, in consultation with Congress, shall invite United States representatives of the private sector to host meetings with their counterparts from sub-Saharan Africa in conjunction with meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) ANNUAL MEETINGS.—As soon as practicable after the date of enactment of this Act, the President shall meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph (1).

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the two floor leaders—the chairman and ranking member of the Finance Committee—for allowing me to make this modification to my amendment.

I understand they will be opposing it, but I very much appreciate their willingness to allow me to offer it in the form I want.

The African Growth and Opportunity Act is all about increasing our level of trade with sub-Saharan Africa. That's a worthy goal, because the current level of trade between the American and the African people is depressingly small. Africa represents only 1 percent of U.S. imports, 1 percent of U.S. exports, and 1 percent of U.S. foreign direct investment. AGOA's supporters want to see those numbers increase, and that is what I want as well. However, the principal trade benefit appearing in AGOA is temporary preferential access to the U.S. market for textiles and apparel. This kind of legislation discourages the economic diversification that Africa needs to build economic strength.

AGOA does renew the GSP program, but does not amend it to provide duty-free benefits for many of Africa's primary exports. This amendment, if accepted, will make the African Growth and Opportunity Act much more meaningful in terms of potential trade, while at the same time ensuring that this legislation does no harm. It expands the list of African products eligible for duty-free access to U.S. markets, while at the same time adding important qualifications to ensure that growth does not come at the expense of human development.

My amendment would make goods listed under the Lome Convention eligible for duty-free access, provided those goods are not determined to be import-sensitive by the President of the United States. Products covered include all of sub-Saharan Africa's industrial products, all primary mineral products, and most of Africa's agricultural products, such as fruits, nuts, cereals, cocoa, and basketware. These provisions mean more trade opportunities for more African people.

That's an important idea—opportunities for African people. In fact, unlike the African Growth and Opportunity Act as it stands now, this amendment would ensure that Africans themselves are employed at the firms receiving benefits. My amendment requires that any textile firm receiving trade benefits must employ a workforce that is 90 percent African. In addition, my amendment requires that 60 percent of the value-added to a product comes from Africa. These provisions hold out an incentive to African governments, businesses, and civil societies to develop their human resources. And that would not only be good for Africa, but it would be good for America as well, as our trade partners in the region gain economic strength. At the same time that this amendment does more for Africans, it also takes important steps to protect American jobs from being lost to transshipment.

Trans-shipment occurs when textiles originating in one country are sent through another before they come to the United States. In this way, the actual country of origin can ignore U.S. quotas. Approximately $2 billion worth of illegally transshipped textiles enter the United States every year. The U.S. Customs Service has determined that for every $1 billion of illegally transshipped products that enter the United

States, 40,000 jobs in the textile and apparel sector are lost.

Those who think that transshipment isn't going to be a problem in Africa had better think again. An official website of China's Ministry of Foreign Trade and Economic Cooperation quoted an analyst as saying that:

Setting up assembly plants with Chinese equipment, technology and personnel could not only greatly increase sales in African countries, but also circumvent the quotas imposed in commodities of Chinese origin imposed by European and American countries.

The Chinese know that standard United States protections against transshipment are weak and easy to defeat.

The African Growth and Opportunity Act, as it currently stands, relies on the same old weak protections that have led to these statistics—the same textile visa system that China and the other countries have manipulated in the past. This inadequate system requires government officials in the country of manufacturing to give textiles visas before those textiles can be exported, in order to certify the goods' country of origin. But often, corrupt officials simply sell visas to the highest bidder.

My amendment would create a new system—one that makes the U.S. importer responsible for certifying where textiles and apparel were produced. This gives U.S. entities a strong financial stake in the legality of their imports. Instead of relying on foreign officials, this standard relies on the American companies who operate right here, under American law. This amendment also requires foreign governments to cooperate with Customs Service investigations into transshipment, or risk losing their trade benefits.

If we pass this amendment, countries that want to skirt U.S. trade regulations will have to re-think their designs on Africa. As the Senate moves to increase the levels of legal trade between the United States and Africa, we must think carefully about the context in which we conduct our trade relations. Labor rights, human rights, and environmental protections are given short shrift by the current version of the African Growth and Opportunity Act. This is a recipe for social unrest and distorted development, and it is clearly in the United States' best interest to address these issues.

We are all affected when logging and mining deplete African rainforests and increase global warming. We are all degraded when the products we buy and use are created by exploitation and abuse. And we all reap the benefits of an Africa where freedom and human dignity reign, creating a stable environment in which business can thrive. American ideals and simple good sense require that we be vigilant in this regard. This amendment contains provisions to address labor rights, human rights, and environmental protection. Mr. President, Africa labor unions have been opposing AGOA for good reasons. This amendment takes their concerns seriously. It clearly spells out the labor rights that our trade partners in Africa must enforce in order to receive benefits. These include the right of association, the right to organize and bargain collectively, a prohibition on forced labor, minimum age of 15, and provisions for acceptable conditions with respect to wages, hours, and safety.

This amendment also provides for a monitoring procedure that involves the Africa Region branch of the International Confederation of Free Trade Unions in compliance reporting. These provisions go far beyond the labor protections in the current bill, which are linked to GSP—and they do so for a reason. GSP labor rights provisions are rarely enforced. Some African countries—such as Equatorial Guinea—receive GSP currently yet do not allow the establishment of independent free trade unions. Clearly, GSP is not enough to ensure the growth and opportunity are not exchanged for abuse and exploitation.

This amendment would also deny benefits to countries engaging in significant human rights abuses. Mr. President, that is stronger language than AGOA currently contains, and it sends a clear signal about the kinds of partners the United States is seeking in Africa. As it stands, AGOA contains no environmental provisions whatsoever. Yet in some African countries like Tanzania, 85 percent of the population lives directly off the land. Clearly, development in Africa is contingent on environmental sustainability. My amendment grants additional trade benefits to U.S. and other foreign investors from developed countries when they use the same environmental technology and practices in Africa that they use at home. This amendment makes AGOA more important and more responsible. If we are serious about engaging in Africa, let's make a genuine effort, rather than a token one. Let's make a responsible effort rather than an indifferent one.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, regretfully, but once again, I rise in opposition to this measure. It would add overly restrictive African content and citizenship requirements, and the transshipment penalties are extraordinary. On the matter of citizenship, sir, I would not doubt that there are 30 garment shops, factories, if you like, floors or lofts, in New York City, in Manhattan, where a majority of the employees are not American citizens. They are legal immigrants, they have rights of American workers, they are paid, and they pay taxes. But in the course of the last three centuries, we have seen enormous movements of labor from one place to another, a lot of recycling.

If I could take one moment, since it is quiet and we have some distinguished Senators here, recently there was a study of illegal immigration from Mexico by some very fine sociologists, American and Mexican. The question is, Under what circumstances would illegal immigration increase? The answer is that immigration would increase if you sealed the borders because it is circular. People come up north to work. They raise money, and they go back and they can buy a car. Then they return. If there was a real wall, they would not go back. The world economy has been such since the 18th century. Exceedingly, these are good intentions of the Senator who offered essentially the same amendment yesterday.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I hope Senators are not confused by the comments of the Senator from New York. Certainly, the 90-percent requirement with regard to workers in Africa is one of many provisions in this. This is not the same amendment as yesterday. This involves labor protections, human rights protections, environmental protections, expanding the list of goods. This is a much broader alternative. In fact, it is essentially the HOPE alternative. So I hope the Senators vote for this. Although we received 44 votes on the transshipment amendment, this is by no means a vote on this particular provision. I want to be clear about that.

Mr. MOYNIHAN. Mr. President, the Senator is right. If I mischaracterized his amendment, I apologize. It is an extension of yesterday's amendment. Would he accept that characterization?

Mr. FEINGOLD. It covers a range of topics that have nothing to do with yesterday's amendment. It expands the number of products and trade and an alternative provision of what should be done. The Senator is correct that a couple of provisions are the same. I think many other provisions are of substantial importance, and I hope people regard this as an alternative approach.

Mr. MOYNIHAN. I accept the Senator's account.

Again, I make a motion to table the amendment.

Mr. ROTH. Mr. President, I ask unanimous consent that we set aside the Feingold amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2410

(Purpose: To provide expedited trade adjustment assistance for certain textile and apparel workers)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2410.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . TRADE ADJUSTMENT ASSISTANCE FOR TEXTILE AND APPAREL WORKERS.

Notwithstanding any other provision of law, workers in textile and apparel firms who lose their jobs or are threatened with job loss as a result of either (1) a decrease in the firm's sales or production; or (2) a firm's plant or facility closure or relocation, shall be certified by the Secretary of Labor as eligible to receive adjustment assistance at the same level of benefits as workers certified under subchapter D of chapter 2 of title II of the Trade Act of 1974 not later than 30 days after the date a petition for certification is filed under such title II.

Mr. THURMOND. Mr. President, as we consider the African Growth and Opportunity Act, I rise to speak about the status of the United States textile and apparel industry. Last week I made a more complete statement regarding the demise of the industry, done in the name of free trade, under the guise of promoting market-based economies and democratic governments in developing countries.

The result of these trade agreements on the textile and apparel industry in the United States has been a flood of imports and a significant impact on employment. In my own state, the loss of textile and apparel jobs has been particularly devastating. Since 1987, South Carolina has lost nearly one-third of all textile jobs and over 50 percent of all its apparel jobs.

Another concern I have is how our legislation impacts our broader foreign policy and drug control objectives. I am concerned that as we propose to drastically increase container shipping through the Caribbean, we will be exposing our Nation to the potential for a tremendous increase in illicit drug imports.

Mr. President, the key to resolving many of our hemispheric problems is coordinating our criminal justice efforts, defense requirements, foreign policy, and economic and trade strategy toward Latin American countries. We cannot afford to look at these in isolation of one another.

Finally, let me highlight some of the more dangerous elements of legislation which some in Congress are proposing. While the Senate bill alleviates some of the worst of these issues, I want the record to be clear on why these provisions must never become law. If, by some chance, this bill moves to a conference with the House, there may be an effort to incorporate some of these proposals. This would be a terrible mistake.

There are some in Congress who would favor the quota-free entry into the United States for apparel made in the Caribbean Basin countries from fabric produced anywhere in the world. Such a provision would void the Uruguay Round Agreement on Textiles and Clothing.

Another flawed proposal is the scheme to use Tariff Preference Levels, whereby fabric produced anywhere in the world may be used in apparel sewn in the Caribbean Basin countries and imported duty-free and quota-free into the United States. Such preferences are permitted under NAFTA. Canada has used its preferences to export into the United States textile and apparel products made of non-North American yarns and fabrics. This violation of NAFTA has permitted $300 million from textile mills in Europe and Asia to severely damage U.S. manufacturers of wool suits and wool fabrics as well as other U.S. producers. Likewise, Mexico is now sending textiles and apparel made from cheap Asian yarns and fabrics into the United States. Tariff Preference Levels are bad for the American textile and apparel industry and for its workers. They must not be permitted to be extended further.

Perhaps the worst provisions proposed in the House bill are those related to transshipment. Transshipment is the practice of producing textile and apparel goods in one country, and shipping it to the United States using the quota and tariff preferences reserved for a third country. The most egregious part of the House bill is that it fails to include provisions for origin verification identical to those in Article 506 of the North American Free Trade Act. This could lead to Africa and the Caribbean Basin being used as an illegal transshipment point by Asian manufacturers. It would encourage the use of non-U.S. produced fiber and fabric in apparel goods entering the United States duty-free.

Finally, the House bill grants overly generous privileges and preferences to African and the Caribbean Basin countries in a unilateral fashion. There is little incentive for these countries to grant reciprocal access for products made in the United States.

Mr. President, there is no question that unfair trade policies have negatively impacted employment levels in this important sector of our economy. There is no reason to believe the trade bills we are debating will lead to a different result. Furthermore, these bills raise serious national defense and foreign policy questions. Finally, many provisions, which unfortunately might be included in the final legislative product, would cause unnecessary harm to the textile and apparel industry in the United States. The textile and apparel firms may survive as they adapt to our legislative actions and changing economic conditions. American textile workers may not be so fortunate. This is my main concern—for those textile and apparel workers who work hard, pay their taxes and raise their families. This is why I have reservations about this bill.

Mr. President, that is also why I am proposing an amendment to this bill. My amendment would correct an injustice in the current Trade Adjustment Assistance Program. If you accept the premise that it is good policy for the Senate to enact legislation that will result in Americans losing their jobs, then you must agree that Trade Adjustment Assistance is a program which deserves our support. This program provides extended unemployment insurance coverage and retraining benefits to displaced workers. It is the least we can do for the Americans working in the textile and apparel industry who will lose their jobs because of this bill.

My amendment would correct weaknesses in the current program. The Department of Labor would have 30 days to certify that the employees who are going to lose or who have lost their jobs would be eligible for the highest possible level of benefits available under the Trade Adjustment Assistance Program.

Mr. President, I call up amendment number 2410 and ask for its immediate consideration.

Mr. President, this amendment is very simple. It clarifies that textile workers who lose their job as a result of plant closure or relocation or as a result of a decrease in production or sales, shall receive trade adjustment assistance benefits from the Department of Labor. These benefits shall be the same as those available to workers who become employed as a result of NAFTA-related job losses.

I urge support for this amendment. It is the least we can do for the thousands of Americans who are going to lose their jobs as a result of this legislation. I yield the floor.

Mr. ROTH. Mr. President, I ask for a voice vote on amendment No. 2410 at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2410) was agreed to.

Mr. NICKLES. Mr. President, for the information of our colleagues, I think we are getting close to a vote on the Feingold amendment momentarily, or in the next few moments, and a vote on final passage.

First, I want to compliment Senator ROTH and Senator MOYNIHAN for their leadership in managing this bill. This wasn't the easiest bill in the world to manage. They handled it professionally and with great class. I think we are getting ready to pass a good bill. I

think we are going to pass a bill that proves, one, the Senate in 1999 is not isolationist and protectionist. It proves we can help a lot of our fellow people across the world by expanding trade, whether they be in Africa or whether they be in the Caribbean nations. We want to help them through trade, which we believe is mutually beneficial.

So I particularly compliment the two managers of this bill for their outstanding work and bringing to a close a bill that I think will be a real compliment to the first session of this Congress.

AMENDMENT NO. 2480

(Purpose: To provide a waiver of a section 901(j) denial of foreign tax credit in the national interest of the United States, and to expand trade and investment opportunities for U.S. companies and workers)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 2480.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . APPLICATION OF DENIAL OF FOREIGN TAX CREDIT REGARDING TRADE AND INVESTMENT WITH RESPECT TO CERTAIN FOREIGN COUNTRIES.

(a) IN GENERAL.—Section 901(j) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., regarding trade and investment with respect to certain foreign countries) is amended by adding at the end the following new paragraph:

''(5) WAIVER OF DENIAL.—

''(A) IN GENERAL.—Paragraph (1) shall not apply with respect to taxes paid or accrued to a country if the President—

''(i) determines that a waiver of the application of such paragraph is in the national interest of the United States and will expand trade and investment opportunities for U.S. companies in such country, and

''(ii) reports such waivers under paragraph (B).

''(B) REPORT.—Not less than 30 days before the date on which a waiver is granted under this paragraph, the President shall report to Congress—

''(i) the intention to grant such waiver, and

''(ii) the reason for the determination under subparagraph (A)(i).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on or after February 1, 2001.

Mr. NICKLES. Mr. President, the essence of this amendment is to allow the President of the United States a waiver to section 901, which denies foreign tax credits if he determines it is in the national interest of the United States and also to expand trade and investment opportunities for U.S. companies and workers.

Again, I appreciate the cooperation of both managers of this bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ROTH. I call for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2480) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2402

Mr. ROTH. Mr. President, I call up the Dorgan amendment No. 2402.

There is no further debate on this amendment. I ask that we proceed with a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2402) was agreed to.

AMENDMENT NO. 2427

Mr. ROTH. Mr. President, we are now prepared to return to Senator FEINGOLD's amendment, No. 2427 and proceed with the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2427. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—66

Abraham	Feinstein	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Moynihan
Baucus	Gorton	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Bingaman	Grams	Robb
Bond	Grassley	Roberts
Breaux	Gregg	Rockefeller
Brownback	Hagel	Roth
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Cochran	Hutchinson	Shelby
Conrad	Hutchison	Smith (NH)
Coverdell	Inhofe	Smith (OR)
Craig	Kerrey	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lieberman	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Enzi	Lugar	Wyden

NAYS—29

Akaka	Bryan	Cleland
Biden	Byrd	Collins
Boxer	Campbell	Dorgan
Durbin	Kerry	Sarbanes
Edwards	Lautenberg	Schumer
Feingold	Leahy	Snowe
Harkin	Levin	Specter
Hollings	Mikulski	Torricelli
Jeffords	Reed	Wellstone
Johnson	Reid	

NOT VOTING—4

Inouye	Kohl
Kennedy	McCain

The motion to table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 2505

Mr. ROTH. Mr. President, I ask unanimous consent that the previously agreed to managers' amendment be modified with a technical change which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

SEC. 621. SENSE OF THE SENATE REGARDING TARIFF INVERSIONS.

It is the sense of the Senate that United States trade policy should, while taking into account the conditions of United States producers, especially those currently facing tariff phase-outs negotiated under prior trade agreements, place a priority on the elimination or amelioration of tariff inversions that undermine the competitiveness of United States consuming industries.

AMENDMENT NO. 2325

Mr. ROTH. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the substitute amendment and the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2325) was agreed to.

Mr. ROTH. Mr. President, I further ask unanimous consent that the cloture motion on the underlying bill be vitiated and the bill be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, this is a difficult vote for me. This bill contains provisions I support such as the reauthorization of the Trade Adjustment Assistance Act (TAA) and the Africa Growth and Opportunity Act. But the

CBI provision of the bill is troubling because it extends benefits unilaterally without assurances that reciprocal trade benefits will be granted to U.S. products.

However, with the adoption of the Levin-Moynihan amendment some progress is assured because under this amendment, the President would be required to take into consideration the extent to which a country provides internationally recognized worker rights, including child labor, collective bargaining, the use of forced or coerced labor, occupational health and safety and labor standards before the trade benefit can be granted.

The adoption of this amendment is a major reason I have decided to vote for this bill.

I hope this provision can be further strengthened in Conference. However, at a minimum, Senator MOYNIHAN has assured me a strong effort will be made to retain the provision in Conference.

Mr. President, I ask unanimous consent that an analysis of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF LEVIN-MOYNIHAN AMENDMENT WITH UNDERLYING BILL

(Criteria for Designating CBTEA Beneficiary Country)

Under the Senate bill prior to adoption of the Levin-Moynihan amendment, to designate a beneficiary CBTEA country, the President must determine that a country has demonstrated a commitment to three things: (I) undertake its obligations under the WTO on or ahead of schedule; (II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and (III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

It then allows the President to consider ten criteria for making the determination that a country has demonstrated a commitment to the above three things. Among the ten criteria that can be considered is; the extent to which a country provides protection of intellectual property rights; the extent to which the country provides protections to investors and investment of the U.S. and; the extent to which the country provides internationally recognized worker rights.

The Levin-Moynihan amendment would require that in designating a beneficiary country, the President must consider the extent to which that country has demonstrated a commitment to each of the 13 criteria in the underlying bill. In other words, the Levin-Moynihan amendment elevates the criteria in the underlying bill to a mandatory status for consideration. Under this amendment, the President, in designating a country as a CBTEA country, must take into account, for instance, the extent to which the country provides internationally recognized worker rights, including:

(a) the right of association, (b) the right to organize and bargain collectively, (c) prohibition on the use of any form of coerced or compulsory labor, (d) a minimum age for the employment of children, and (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Some of the other specifically recognized items for mandatory consideration in our amendment are: (a) whether the country has met specific counter-narcotics certification criteria, (b) the extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, (c) the extent to which the country affords to products of the U.S. tariff treatment that is no less favorable then the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such a country is a party, other then the Central American Common Market or the Caribbean Community and Common Market.

Under the Levin-Moynihan amendment consideration of these items is no longer just an option. The President must take these factors into consideration.

Mr. KOHL. Mr. President, this bill was not an easy bill for me to support. While I believe that fostering trade with our neighbors leads to growth both here and abroad, I also know that some companies use trade to take advantage of foreign low wage workers. I had hoped that this bill would take stronger measures to ensure that labor and environmental rights received greater respect.

I opposed cloture initially on this bill because it would unfairly limit the ability to improve the bill. After an agreement was worked out to allow trade related amendments, I decided to support cloture to move the legislation forward. I supported amendments that would have required labor and environmental agreements and stricter oversight of imports to avoid trans-shipment. I was disappointed that these amendments were not agreed to, but I encourage the conferees to continue fighting for these important issues.

Some important changes were made. The Senate included a provision to help our farmers cope with the negative effects of trade agreements. This Trade Adjustment Assistance for farmers parallels the Trade Adjustment Assistance program that has helped so many industrial workers. Senator HARKIN offered an amendment that will go a long way toward eliminating child labor in these developing countries if they hope to take advantage of the benefits in this legislation. This provision makes the bill more humane, and reflects our moral values, not just our economic interests.

While the bill is not perfect, increasing opportunity for some of the poorest countries is an important goal and deserves the support of the Senate. The countries of the Caribbean and sub-Saharan Africa know that trade and investment coupled with aid programs are more effective than foreign aid alone. The countries involved support this bill and look forward to a chance to sell their products in our market.

The struggle for labor standards is a long road, but that journey cannot start if people do not have jobs. There is no way to improve working conditions for the unemployed. Only when trade and investment bring jobs to these countries will workers be able to organize and fight for better conditions. Many of these countries are new democracies that have much to learn about the benefits of protecting their workers. We should remember that the United States is a democracy that is 225 years old, and that the backbone of our labor laws are only 65 years old. Those laws did not come easily. There was a long, bitter, and sometimes bloody fight before the United States saw the wisdom of protecting workers rights. We need to continue our efforts, both at the government and non-governmental level, to convince these countries to follow our example. Unfortunately, our trade negotiators have only recently come to the conclusion that labor rights matter to workers here and abroad.

Making access to the U.S. market difficult is not going to improve the lot of workers in Africa and the Caribbean. The more we do to engage these countries and improve the climate for investment, the closer these countries get to moving out of poverty and toward prosperity.

● Mr. MCCAIN. Mr. President, I am, unfortunately, unable to be present for this vote, but would like to express my support for the final passage of the amended version of H.R. 434, the African Growth and Opportunity Act. This legislation includes a modified version of the African Growth and Opportunity Act, the United States-Caribbean Basin Trade Enhancement Act, and reauthorization of the Generalized System of Preferences (GSP) and Trade Adjustment Assistance (TAA) programs.

This legislation will end up helping more than 1 billion people begin to enjoy the benefits of democracy and the free market system. Unfortunately when most Americans think of recent politics in Sub-Saharan Africa and the Caribbean, they only think of dictatorships, civil wars, and people crushed in the grip of poverty. It is a compelling portrait and shows the necessity of this legislation.

However, there is hope in the nightly news reports. Both in the Caribbean and in Africa, democracy and economic development are emerging from the shambles of the past. According to a 1998 global survey by Freedom House, 30 countries in Africa are now politically free or partially free. In addition, these countries are beginning to pursue policies of economic development that will help their citizens rise above the debilitating poverty of the past. In 1998, while the Asian economic crisis pummelled other countries, Africa's economies actually grew by an average rate of 3.1 percent.

Democracy and market economics also are established in the Caribbean. The civil wars in El Salvador, Nicaragua, and Guatemala have ended. Unfortunately, many of these countries are still suffering from the effects of Hurricanes Mitch and Georges, and need these trade benefits to rebuild their economies.

This year's elections in Nigeria and South Africa, and the upcoming election in Guatemala, exemplify the democratic developments in Africa and the Caribbean. As the bulwark of freedom and liberty, the United States

must do all that it can to ensure that democracy and market economics continue to spread and grow. This legislation is crafted to aid these transformations.

The African Growth and Opportunity Act establishes a special GSP program to give duty and quota-free treatment to selected African textiles and goods, and enhances cooperation between the United States and Sub-Saharan Africa. It is my hope that the President will use the provisions of this legislation to seriously pursue a free trade agreement with the leaders of Sub-Saharan African countries. The United States-Caribbean Basin Trade Enhancement Act grants selected exports from Caribbean nations the duty- and quota-free treatment that has benefitted Mexico in the North American Free Trade Agreement.

Finally, the reauthorization of the GSP program helps many other developing countries benefit from preferential trade treatment. These GSP provisions will help developing countries become members of the global community and prosper in the growing world marketplace. Also, this legislation will reinforce the core American values of freedom and equal opportunity that are a cornerstone of our great country. This legislation is based on the commonsense principle that if you give a nation a handout, you feed it for a day, but if you teach its people to grow and trade, you assist them in becoming independent and self-reliant.

This legislation also helps U.S. workers and companies. U.S. exports to the Caribbean nations exceeded $19 billion last year, and produced a $2 billion trade surplus. This trade has created 400,000 American jobs. In 1998, the United States exported $6.5 billion in goods to Sub-Saharan Africa. This trade supported over 100,000 American jobs. However, the United States only has a 7% share in the African market, while Europe has a 40% share. More U.S. trade and investment in both the Caribbean and Sub-Saharan Africa will increase U.S. market share and create more American jobs.

While I support this legislation, I believe that it can be improved during the conference with our colleagues from the House side. The House-passed version of the African Growth and Opportunity Act includes programs under the auspices of the Export-Import Bank and Overseas Private Investment Corporation that will give American companies incentives to invest in Africa. Also, I am concerned that the Congressional Budget Office estimates that ''almost no apparel imports would qualify for special treatment'' under the textile provisions of the Finance Committee amendment. The House-passed version of the bill removes quotas and duties on all African textile imports, and will be of much greater benefit to the African nations as well as to the U.S. It is my hope that the conferees will adopt these provisions in the House-passed version of the African Growth and Opportunity Act. These measures will ensure true economic development and increased U.S. market access in Africa.

In addition, I have some concerns about the provision of the bill referring to the excise tax collected on rum. This provision increases by $3.00 the amount of the excise tax on rum that is transferred to Puerto Rico and the U.S. Virgin Islands retroactively from June 30, 1999, to October 1, 1999. The bill earmarks $0.50 of this tax for the Puerto Rico Conservation Trust Fund. I am aware of the importance of helping our territories to become economically self-reliant, while also protecting their environments. However, I believe that we should look at more efficient ways to achieve this goal. It makes no sense for the federal government to collect a tax and then turn it all back over to the territories. I hope that this provision will be stricken from this legislation, and that we can more thoroughly examine how to help our territories achieve economic growth without unnecessary federal bureaucracy and taxation.

I am also concerned about certain other provisions that have found their way into this legislation. This legislation includes a provision to extend TAA benefits to farmers and fishermen. I know that the collapse of foreign markets abroad has hurt American farmers and believe that this issue should be given more consideration. I am also concerned by provisions included for Oregon power plant workers to apply for TAA benefits after their eligibility has expired, provisions to allow a company with operations in Connecticut and Missouri to obtain a refund on duties it paid on imports of nuclear fuel assemblies, and $2 million earmark for a two-year study on how American Land Grant Colleges and not-for-profit international organizations can improve the flow of American farming techniques and practices for African farmers. These measures should be examined in the usual authorization process to ensure that it is considered on merit and not special interests. It should not be attached to this legislation when Senators have not had a chance to examine the costs and benefits.

In conclusion, I support this historic legislation to ensure the progress of democracy and economic development in Africa, the Caribbean, and other developing countries. By promoting freedom and interdependence, the United States can help millions of people live in a future without repression where any child's potential is limited only by their dreams.●

Mr. SCHUMER. Mr. President, I rise today to speak on an issue of utmost importance to American suit manufacturers in New York and around the country, an issue that my colleague PAT MOYNIHAN has been fighting on for many years.

I am referring to an anomaly in America's tariff policy that harms American companies like Hickey-Freeman, Pietrafesa, and other producers of fine wool suits.

Our response will determine whether this country will be able to support companies that manufacture suits with a ''Made in America'' label.

My general belief is that free trade is a boon to the overall economy. But our wool tariff policy is a patchwork quilt of part free trade, part high tariff, part no tariff: policies stitched together with no rhyme or reason as to how it will impact U.S. companies and consumers.

Under the current tariff schedule, U.S. suit companies that must import the very high quality wool fabric used to make high-end men's suits pay a tariff of 30 percent on that fabric. These American companies, in turn, compete with companies that import finished wool suits from other countries, which pay a 19 percent tariff on the finished suit. And since the NAFTA agreement, U.S. importers of suits made in Canada and Mexico pay no tariff whatever.

And those Canadian and Mexican suit manufacturers pay no, or very low, duties on their imported wool fabric from Italy and elsewhere. They, in effect, get a perfectly free ride into the U.S. market, while American clothing companies, employing American textile workers, have to pay to play.

Where is the consistency here? All we have today are randomly placed zero, 19 percent, or 30 percent tariffs with no concern over the big picture: American companies and American jobs.

In fact, U.S. companies have been fighting a war of attrition for nearly ten years, a war which they are slowly losing, due solely to American laws.

So we are now at a crossroads.

Some domestic fabric manufacturers support the tariff policies because they argue that Hickey-Freeman and other high-end suit manufacturers ought to buy their fabric here in the U.S. That would be great—if there was ample domestic supply of the fabric these suit companies require: But there is not.

According to leading American fabric manufacturers, U.S.-produced high-end wool fabric supply falls short of demand by more than 2.5 million square meters. That leaves Hickey-Freeman, a Rochester, New York, institution since 1899, Pietrafesa of Syracuse New York, and dozens of other fine suit manufacturers with two options: import more than half of their wool fabric at a 30 percent tariff, or shift their operations to countries where they will not be hindered by the restrictive added costs they face here.

In other words, these American companies are virtually compelled to move their operations out of the U.S. by these irrational U.S. laws.

That is why the textile workers unions are fighting hard to repeal these unfair tariff policies. Indeed, since 1991, fine suit manufacturers in New York and around the country have been forced to close dozens of manufacturing

facilities, and lay off more than 10,000 employees.

Don't get me wrong: I support the idea of free trade. I believe that our nation is the strongest and most prosperous on earth, and in such a strong global leadership position, due to our open trading system, and our principles of free trade which we help instill on other nations around the world.

But what I'm talking about today is not free trade. It is a hodge-podge of non-sensical trade laws. These wool tariffs give the advantage to foreign companies in other countries in their ability to compete in our market.

All I ask for is a level playing field—I believe that under fair trade and competition the U.S. worker and U.S. industries will prevail. But they will not be given a chance if the deck is stacked against them. Under current law, the game is fixed.

Now, I recognize that good faith negotiations are ongoing between American fine wool suit manufacturers, domestic wool producers, Senators MOYNIHAN and ROTH, Members of this body from interested states, and the White House. Senator MOYNIHAN has, for many years, made this unfair wool tariff a cornerstone of his efforts to ensure fair trade. And I am doing what I can to help move these negotiations along.

But I want to make clear that we need to resolve this issue as soon as possible. The American fine suit industry and their employees can wait no longer. Too many jobs have already been lost due to these tariffs, and too many more remain on the line.

The trade package currently under consideration in the Senate provides the best opportunity to finally provide economic justice to American companies struggling to compete in a global trading system which is still struggling to work out its kinks.

I believe that reasonable minds will resolve this issue when the facts are clear to all involved. And the main fact is that loyal, productive, U.S. companies are currently at a serious disadvantage in its own home economy. That should not stand.

AMENDMENTS NO. 2379 AND NO. 2483

Mr. LIEBERMAN. Mr. President, I rise to explain my reasons for voting to table amendments No. 2379 and No. 2483 sponsored by Senator HOLLINGS. The two amendments would have required the United States to negotiate side agreements with the countries named in the African Growth and Opportunity Act and the United States-Caribbean Basin Trade Enhancement Act concerning labor standards and the environment similar to the North American Agreement on Labor Cooperation and the North American Agreement on Environmental Cooperation. Mandating that the United States negotiate agreements before providing the benefits granted to these countries under this act would have had the effect of nullifying the bill.

Labor and environmental issues should be considered when negotiating trade agreements. In today's global economy, the economic actions of one country can have profound implications for the entire world economy. We witnessed this firsthand with the recent global economic crisis. Just as the economic decisions of one person in Indonesia can have significant consequences for someone in Germany, the living standards, working conditions, and the environment standards of workers in Peru or Malaysia can have an impact on our workers here in the United States.

The two amendments offered by Senator HOLLINGS have admirable goals, however they are unworkable in the context of this bill. Because this bill calls for the United States to take the unilateral action of reducing tariffs on a wide range of products in order to provide incentive for these countries to develop their economies, it would be out of place to mandate negotiations that were designed to accompany bilateral trade agreements. If we are serious about protecting workers and the environment, we should include them as part of a bilateral negotiation when our trading partners will have obligations to fulfill.

Our goal with this bill is to improve and grow the economies of sub-Saharan Africa and the Caribbean Basin. We are doing this by opening our markets in the hope that these economies will integrate into the world economy as responsible trading partners and will develop as future markets for our exports.

The two amendments offered by Senator HOLLINGS would have had the effect of neutralizing the underlying bill to support economic development in sub-Saharan Africa and the Caribbean Basin. I could support similar amendments when they are raised in the context of trade agreements when side agreements can be enforced.

TARIFFS ON WOOL FABRICS

Mr. DURBIN. Mr. President, I rise to commend the chairman and ranking member for their efforts on an issue that is important to workers in Illinois, as well as those in New York and other states. Specifically, I refer to their efforts and leadership in addressing the need to modify tariffs on wool fabrics used in the men's suit industry. I am proud to be an original cosponsor of S. 218 introduced by Senator MOYNIHAN at the beginning of this year, and have worked with both Senators from New York and many other colleagues on both sides of the aisle, on this issue.

Because of a loophole in NAFTA, Canadian suitmakers have become our largest source of imported suits at the expense of tens of thousands of American workers who have seen their plants close. I am a supporter of NAFTA—I voted for it and I believe it is good trade policy for our country. However, as part of NAFTA, concessions were made by our U.S. negotiators to allow Canada to bring Canadian manufactured suits in to the United States, duty-free. Canada proceeded by removing its tariffs on imported wool fabrics, setting up a situation where its manufacturers could import the same fine wool fabrics American manufacturers import, manufacture a suit in Canada, and export that suit to the United States, without paying a single tariff. Our U.S. manufacturers are forced to pay over 30 percent in tariffs for this same fine wool fabric. All our manufacturers ask for from us is to provide a level playing field on which they can compete.

This has been a difficult issue to resolve because of the various stakeholders involved. However, unless the final trade bill offers some relief for this industry, more Americans will lose their jobs as a result of our own U.S. trade policies.

The pending amendment will allow this issue to be resolved in conference, and I commend both our majority and minority committee leaders for their efforts.

Mr. MOYNIHAN. Mr. President, I also thank my chairman for his work, and that of his staff, in addressing an issue that I have worked on for many years. I first started this effort with my friend Congresswoman LOUISE SLAUGHTER a number of years ago. Since that time even more Americans have lost their jobs as a result of tariffs on wool fabric—fabric that is not produced in the quantity and quality needed by our domestic industry. I believe that we are close to finalizing an approach to finally resolve this issue, and I commend the chairman for his willingness to work with us on this important matter.

Mr. SCHUMER. Mr. President, on behalf of the thousands of workers in New York, I join my colleagues in thanking both Chairman ROTH and Senator MOYNIHAN for their work on this issue. Earlier this year I was visited by one of these workers, Mr. Fred Cotraccia, a Shop Steward for Hickey-Freeman of Rochester, NY. At that time he explained to me the importance of providing relief to the suit manufacturing industry, and he presented me with a teddy bear dressed in an American-made, hand-made, fine wool fabric suit. In a letter from him accompanying the bear he says, ''Please stand up for American jobs . . . My livelihood and the livelihood of thousands of other hard working American employees, depends on you supporting our jobs—please choose 'made in America.' ''

A number of my Senate colleagues received a similar type letter, and a similar request to help save their jobs. I believe we have made significant strides in finding a way to provide relief to this industry at the expense of no one, but to the benefit of many.

Mr. KERRY. Today we must vote on a package of bills that are intended to promote trade and thereby lift-up the economies of sub-Saharan African and Carribean Basin nations. I believe strongly in that premise. I believe that

free and fair trade can improve the lives of workers in developing nations and is vital to improve our economy at home. On balance, this achieves those goals, and I therefore support it.

Much of the debate surrounding this package of trade bills has centered on the provisions dealing with Africa. This is proper, as it is the AGOA portion of the bill that I am most concerned about. Many argue that AGOA is the last chance for Africa to develop a textile industry. In 2005, current quotas on textiles from Asia and other parts of the world will be lifted. If we lift those quotas on sub-Saharan African countries now, those countries may have some chance to develop their textile industry in the next five years, before Asia—especially China—has a chance to dominate textile manufacturing. If Africa does not develop its textile industry now, there is no way it will be able to compete with China in 2005. This would not only hurt African nations, who will be without a textile industry, but it will hurt US apparel manufacturers, who will have one less resource to produce their products and will be forced to send more of their work to China.

That said, this bill fails to address many of the crucial problems facing Africa, and it would be tragic if this were the final word on Africa. First, this bill fails to address the perhaps the single greatest barrier to economic growth and development in Africa: the spread of AIDS. Unless our efforts to combat this epidemic are bolstered immediately, this public health disaster will result in severe economic distress for African countries. The effect of this disease, which strikes people in their most economically productive years, cannot be ignored if we expect these countries to be effective trading partners. It is imperative and entirely appropriate to include AIDS relief in this legislation. A recent study in Namibia estimated that AIDS cost the country almost 8 percent of its GNP in 1996. Another analysis predicts that Kenya's GDP will be 14.5 percent smaller in 2005 than it would have been without AIDS, and that income per person will be 10 percent lower.

The microeconomic outlook is not much better. Businesses across sub-Saharan Africa are already suffering at the hands of HIV. In Zimbabwe, for instance, life insurance premiums grew four-fold in just two years because of AIDS deaths. Some companies there have reported a doubling of their health bills. In Botswana, companies estimate that AIDS-related costs will soar from under one percent of wages in 1999 to five percent by 2005. In Zambia and Tanzania, some companies have already reported that costs resulting from AIDS-related health costs and lower productivity have exceeded total profits. Without addressing a health crisis of this enormity, we are ignoring one of the most important impediments to development of the African continent.

The second concern I have with the AGOA bill is that it ignores the great albatross of debt that hangs around the neck of the African people and is a tremendous impediment to their economic growth and development. AGOA provides no debt relief to Africa, despite the fact that Africa's crushing $230 billion debt burden is a massive obstacle to economic and social progress. By ending the vicious circle of debt and debt servicing, debt relief for Africa would open the way for private investment in African enterprises, investment that is critical to the long-term development and growth of every economy.

I believe that the United States should play a prominent role in reducing the debt burden of nations that are unable to achieve sustainable economic growth and development under the constraint of servicing their national debts. Our economic relationship with Africa must take the long view and advance policies that will build a solid basis for continued growth, rather than simply extending the short-sighted, debt-centered policies of decades past.

Unfortunately, many amendments that would have begun to address the weaknesses of the AGOA bill failed on the Senate floor. I supported amendments that would have improved labor and environmental standards and that would have better addressed transhipment concerns. Although those amendments failed, I will, nevertheless, support this package, not because I am fully satisfied with its treatment of Africa, but because as a whole, the package includes other important trade measures that will not only bolster the economies of developing nations, but will have a positive economic impact here at home. I have long been a proponent of Trade Adjustment Assistance as a way to help U.S. workers and industries that have been harmed by trade. The Generalized System of Preferences is also a crucial to developing countries by stimulating their exports. I am pleased that this package includes these very important programs.

Finally, the CBI portion of the package will put our neighbors in the Caribbean on more equal footing with Mexico. By providing duty free treatment to apparel assembled in the Caribbean basin only if US fabrics are used, this bill will strengthen the economy and long term stability of Caribbean Basin countries. This will go a long way to help them to recover from the extensive damage they suffered during Hurricanes Mitch and Georges. The U.S. has a trade surplus with Caribbean Basin which has led to more and better jobs in my home state of Massachusetts and throughout the country.

Because the balance of the package of trade bills before us today is favorable, I support the bill with the sincere hope that we revisit the issues of concern to sub-Saharan Africa soon.

Mr. MOYNIHAN. Mr. President, we have stepped back from the brink. A week ago it appeared that we would reject this essential trade legislation. The first in five years. Weeks before the opening of the Third Ministerial Conference of the World Trade Organization, which will launch a new round of trade negotiations. Here in the United States, in Seattle.

As a tribute to the patience of our esteemed chairman, Senator ROTH, and our leaders Senators LOTT and DASCHLE, we somehow agreed to revive the bill. We now move one step closer to providing the President with legislation that will confirm, when he arrives in Seattle, that the United States Senate remains committed to open trade policies.

I join the chairman of the Finance Committee in urging the Senate's support for this package of trade measures which includes the Finance Committee's sub-Saharan African and CBI trade bills, as well as the reauthorization of the Generalized System of Preferences (GSP) and the Trade Adjustment Assistance (TAA) programs. Each of these measures was approved by the Finance Committee with near unanimous support.

Federal Reserve Board Chairman Greenspan noted, in a speech he delivered in Boston on June 2, the ''recent evident weakening of support for free trade in this country.'' We appear to be turning against trade policies that we have pursued for 65 years. It is hard to understand this in a period when, as the New York Times reported last Friday:

> The American economy turned in its best quarterly performance of the year this summer, virtually guaranteeing enough momentum to carry the nation to its longest economic expansion in history early next year.

Let me repeat that last phrase—''its longest economic expansion in history. . . .'' Not just peacetime, or just wartime, but ''in history.''

And what are the benefits of this unprecedented economic expansion—an expansion that started in April 1991, is now in its eighth year, will break the record of 107 months in February 2000, and shows no sign of ending? The answer is clear: an unemployment rate of 4.2 percent—a level not seen in almost 30 years; and near zero inflation.

To what can we attribute this remarkable performance of the American economy?

I dare say that if the Hawley-Smoot Tariff Act of 1930 was one of the causes of World War II, then trade liberalization is one of the reasons for the unprecedented expansion.

Other factors I would cite are just-in-time inventories—made possible by the information age, the 1993 deficit reduction act, Alan Greenspan, and perhaps some ''good luck.''

Given the tremendous transformation of the American economy—between 1960 and 1998 manufacturing employment dropped from 30 to 15 percent of total employment—there inevitably were and will be dislocations. Since 1962 we have eased the cost of

dislocation to workers by providing Trade Adjustment Assistance—assistance which will expire at the end of this week. More than 200,000 workers are eligible for trade adjustment assistance. The bill before us would continue Trade Adjustment Assistance, something we ought to do as we enact trade liberalization policies.

I would also note that this legislation reflects our commitment to honor the ILO's core labor standards, a commitment made by all 174 members of the ILO. The Declaration on Fundamental Principles and Rights at Work, adopted at the 86th International Labor Conference, declares that ''all members, even if they have not ratified the Convention in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote, and to realize, in good faith'' these core labor standards; (1) freedom of association and the effective recognition of the right to collective bargaining; (2) the elimination of all forms of forced or compulsory labor; (3) the effective abolition of child labor; and (4) the elimination of discrimination in respect of employment and occupation.

Under the managers' substitute the President must assess the compliance of the CBI and sub-Saharan African countries with these core labor standards—these ''internationally recognized worker rights.''

The Generalized System of Preferences—which we put in place a quarter century ago—was the United States' response to the plea of developing countries that the industrial world ought to give them an opportunity—and a bit of an incentive—to compete in world markets. The theme then—as today—was that ''trade, not aid'' would ultimately wean countries from their dependence on foreign aid and help diversify their economies. This legislation will continue this important program.

The bill puts in place—at long last—a trade policy with respect to sub-Saharan Africa, a policy that is long overdue. The economic challenges facing sub-Saharan Africa today may be even greater than they were at the height of the cold war. Consider the differing paths of South Korea and Ghana: in 1958, the year after Ghana achieved independence, its per capita GDP, at $203, exceeded that of South Korea ($171 at the time). Forty years later, in 1998, South Korea's per capita income had soared to $10,550, even after the Asian financial crisis, while Ghana's stood at a modest $390.

The Africa trade legislation in this package will not reverse years of neglect and decline, but it may provide a decent start.

And we endorse with this legislation President Reagan's Caribbean Basin Initiative—begun in 1983—updating the program to enable the CBI countries to remain competitive even as the NAFTA has eroded their market positions. The chairman and I met 6 weeks ago with the Presidents and Vice Presidents and Foreign Ministers of a number of the CBI states—the Dominican Republic, Honduras, Trinidad and Tobago, Costa Rica. They made a simple request—that we allow our trade to grow. And so this legislation will do.

This is legislation which deserves strong support here in the Senate, so that we can quickly move to a conference with the House and send the President to Seattle negotiations with the bipartisan backing of trade liberalization.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yea and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

The result was announced—yeas 76, nays 19, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—76

Abraham	Fitzgerald	Lugar
Allard	Frist	Mack
Ashcroft	Gorton	McConnell
Baucus	Graham	Mikulski
Bayh	Gramm	Moynihan
Bennett	Grams	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Hutchinson	Roth
Burns	Hutchison	Schumer
Campbell	Inhofe	Sessions
Cochran	Jeffords	Shelby
Conrad	Johnson	Smith (OR)
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Voinovich
Domenici	Levin	Warner
Durbin	Lieberman	Wyden
Enzi	Lincoln	
Feinstein	Lott	

NAYS—19

Akaka	Edwards	Sarbanes
Boxer	Feingold	Smith (NH)
Bunning	Helms	Snowe
Byrd	Hollings	Thurmond
Cleland	Leahy	Wellstone
Collins	Reed	
Dorgan	Reid	

NOT VOTING—4

Inouye	McCain
Kennedy	Santorum

The bill (H.R. 434), as amended, was passed.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I want to take a few seconds to thank my colleagues on both sides of the aisle for a very strong bipartisan support for the bill. I also want to extend my thanks to the majority and minority leaders who worked so hard to find the compromise that enabled the legislation to move forward.

Let me underscore and emphasize that we would not be where we are if it had not been for my good friend, Senator MOYNIHAN. His patience, his historical perspective on trade, and the key role he has played through the years were instrumental in getting this legislation through. I want to say I think it gives a clear statement to our neighbors in the Caribbean, Central America, and Africa that we are willing to invest in a long-term economic relationship—a relationship of partners and a common endeavor of expanding trade, enhancing economic growth, and improving living standards.

I also think, most importantly, it will send a very clear signal to our partners around the world that isolationism is dead, that liberal trade policies are still supported overwhelmingly. It signals, I believe, that the United States is prepared to engage constructively in the wider world around us and to provide the kind of leadership necessary to reach our common goals.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I stand here to assert that we would not be here at this moment without the revered chairman of the Committee on Finance. He has kept to a party tradition that goes back generations. He has enabled us, sir, to pass the first trade bill in this Senate in 5 years. We were beginning to send a signal that was ominous and could have been, in the end, ruinous. But we have stepped back from that brink, and we have WILLIAM ROTH of Delaware to thank.

I thank all of our wornout and excellent associates, David Podoff, Debbie Lamb, Linda Menghetti, and Tim Hogan on our side, and all of the majority staff. I see Frank Polk over there, and Grant Aldonas, Faryar Shirzad and Tim Keeler. It is a fine moment. Let us hope we make the most of it, sir.

With great thanks to all, I yield the floor.

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer appointed Mr. ROTH, Mr. GRASSLEY, Mr. LOTT, Mr. HELMS, Mr. MOYNIHAN, Mr. BAUCUS, and Mr. BIDEN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENCE IN SEATTLE

Mr. DURBIN. Mr. President, during the course of our debate on the floor of the Senate today, we have considered a myriad of important amendments to a very important trade bill. The attention of Senators on both sides of the aisle was focused on the floor, of course, but it was also focused on our Cloakrooms, the rooms that are a few feet away from me. Again, on television, every time we walked in the Cloakroom, we looked up to see another all-news channel with pictures that were incredible. Of course, the footage today comes from the city of Seattle, WA. Seattle, WA, has become another battlefront in America's endless gun war. Seattle, WA, erupted in violence today.

As I stand here now, I don't know if they have been able to apprehend the terrorist who was involved in this. They were searching for him. The latest news suggests that two people are dead and two are critically wounded. I know some eight or nine schools have been locked down with children inside in the surrounding neighborhood, for fear they might become victims of senseless gun violence as well.

One of my colleagues in the Senate, PATTY MURRAY, lives in Seattle, WA, just a few blocks away from the scene. She has been on the phone all day calling her son, a grown man who is working at a business nearby, to make certain he was safe. Her plea to her son to take care, I am sure, has been repeated over and over thousands of times by the residents in Seattle who are worried about their loved ones who might be in the path of another gun terrorist.

This surreal scene that seems to be unfolding in Seattle as we watch the television screen shows SWAT teams going through the neighborhoods of that lovely city with bulletproof shields, trying to find this gun terrorist, schools locked down, people staying behind closed doors for fear if they walk out in the street, they will literally be killed, as two already have been.

This is what happened today in the State of Washington. But America's families should also know what did not happen today in the city of Washington—Washington, DC. What did not happen today was a meeting between House and Senate conferees to finish work on a commonsense gun control bill to try to keep guns out of the hands of those who would misuse them—kids, criminals, people with a history of violent mental illness.

The Nation was shocked and the Senate was shocked a few months ago with the Columbine killings—shocked into finally doing something. We passed a bill by one vote, the tie-breaking vote being that of Vice President Al Gore, who came to this floor and voted for the bill which provided, very modestly, that before a person can buy a gun at a gun show, we have the right to know whether they have ever been convicted of a violent crime or whether they have a history of violent mental illness.

Is it a radical idea to try to keep guns out of the hands of kids, criminals, and those who are unstable? Most American families don't find that radical. I am glad we passed that bill. We sent it over a few hundred feet away to the House of Representatives so that, in our bicameral Government, they could do their part of the job.

Well, in the ensuing time between it leaving the Senate and arriving in the House, the people with the gun lobbies in Washington got very busy. They lined up enough votes to literally stall and kill that bill. So we have the only attempt in this congressional session for sensible gun control being stopped in its tracks by the gun lobby on Capitol Hill. Yet day after frightening day, another city across the United States of America is subjected to senseless gun violence.

Today, it was Seattle. Yesterday, it was Honolulu, HI, where a man walked into the company where he once worked and killed seven people with a handgun, a man who had a history of psychological problems. When they finally apprehended him and searched his home, they found some 18 different weapons, semiautomatic weapons, shotguns, and handguns—a small arsenal in the hands of a person who was turned down when he attempted to get a firearm owner's permit in 1994.

That was Honolulu yesterday; Seattle today, two more victims.

I need not tell you that nothing happened on Capitol Hill yesterday to deal with gun violence, and nothing happened today as this senseless violence unfolds in Seattle. You have to ask yourself whether the men and women elected to the Senate and to the House of Representatives can walk blindly by the television screens and ignore this endless war of gun violence in America that unfolds every day.

Have we become so oblivious to the pain that is being visited upon America by the proliferation of guns in the hands of those who shouldn't have them? You would have to draw the conclusion that the gun lobby has blinded this Congress to the reality of gun violence in America.

Sadly, what happened in Honolulu yesterday and is happening in Seattle even as we speak is repeated day in and day out across America. We lose 13 children every single day in America, as many children as were killed in Columbine we lose every day in gun violence.

Have we become so callous we can't even feel this any longer, that we don't understand what is happening to our country, this great and noble Nation which has allowed itself to disintegrate into areas of violence that, frankly, people around the world can't even understand? How can this Nation that has so much to say for itself stand by and do literally nothing when it comes to this gun violence?

This Congress has been at its worst when it comes to responding to this national crisis—at its worst. This Congress has been a captive of the gun lobby, unable and unwilling to promote even the most basic and modest provision in the law to protect families across America. We stand idly by.

Some even argue, well, the answer is to give everyone in America a gun. What a solution that would be, the so-called ''concealed carry law.'' So that no matter what restaurant you walk into, what high school basketball game you attend, what mall you stroll through, never knowing if that little argument in the corner is going to erupt into gunfire because people are packing guns right and left. What an answer. That is no answer whatsoever. America's families know it.

Let me tell you something else that recently happened. Senator BOXER of California put a provision in an appropriations bill which said as follows: No licensed gun dealer in the United States can sell a gun to a person they know to be intoxicated. They accepted the amendment on the floor. As soon as it got to conference, the gun lobby took it out. Think about that. They would even want us to allow gun dealers to sell guns to intoxicated people. How irresponsible can you be?

When I tried to put in an amendment that held gun owners who are licensed legally responsible for the safe storage of their own guns away from children—beaten back by the gun lobby, unacceptable. Many States have put that standard in the law. But in Washington we wouldn't even consider it as we see day after weary day children finding the gun cabinet, reaching in, getting a handgun, killing themselves, or some innocent playmate whose family may not have even known there was a gun in the residence.

When we tried to put a provision in the law to say you can't buy more than one gun a month in the United States, unacceptable; one gun a month, unacceptable.

This fellow in Honolulu and others build up a personal arsenal and build up their own psychological problems to the point where they break and turn on innocent people.

I hope those who serve in Congress understand that we will be held accountable and should be held accountable. But I hope even more that families across America who are afraid of gun violence in their communities and who are fed up with what the gun lobby has done to this Congress will speak out. That is the only way this will change. You have to ask your candidate for Congress, the House Member or Senate: Where do you stand? Where are you going to be when it comes to sensible gun control? Will you stand up for the families of America or will you stand up for the gun lobby and the National Rifle Association? It is a very basic question. If it is not asked and

answered, the sad reality is that what happened today in Seattle and what happened yesterday in Honolulu could happen in anyone's hometown tomorrow.

We have been told by the chairman of the House Judiciary Committee, Henry Hyde, that it is not likely the conference will meet in the next few days on this gun control bill. That is a shame. We may leave this year doing absolutely nothing to make America's streets safer.

Frankly, this Congress, again, has put first things last. We have done some good things today; we are proud of them, I am sure. But tonight's news will not herald our accomplishments on the Senate floor. Tonight's news reports another tragedy in America, a tragedy in America which this Senate and this House of Representatives refuses to even acknowledge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I can't help but lament that we have an administration that has prosecuted fewer people for gun violations than any administration in modern history. That is something that could be done today. It could have started this afternoon; It could have begun 7 years ago; but it was not.

FINANCIAL SERVICES MODERNIZATION ACT OF 1999—CONFERENCE REPORT

Mr. GRAMM. Mr. President, it is with great pleasure that under the previous agreement I call up the conference report to accompany S. 900, the Financial Services Modernization Act of 1999.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 900), to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment and the House agree to the same.

That the House recede from its amendment to the title of the bill; signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 2, 1999.)

Mr. GRAMM. Mr. President, in case any of our colleagues are watching, let me try to outline what we were going to do tonight.

Senator SARBANES and I are going to make opening statements tonight. It is our understanding that no one else wishes to speak tonight. Then it would be our objective to reserve the remainder of our time for the debate tomorrow. Then the Senate would begin the process of shutting down for the evening.

Mr. SARBANES. Mr. President, will the chairman yield?

Mr. GRAMM. I am happy to yield.

Mr. SARBANES. Mr. President, as I understand it, there is a time agreement which has been entered into, which I hope all Members are aware of, with 4 hours equally divided between the chairman and the ranking member. There is an hour for Senator SHELBY, and an hour for Senator WELLSTONE, 30 minutes for Senator BRYAN, and 20 minutes for Senator DORGAN.

I understand Senator WELLSTONE intends to be here in the morning at 9:30 to start using his time, which is when the Senate will come in. I presume we will then work right straight through.

I think we ought to say to Members that we intend to try to carry this thing through to completion and run our time straight through, which would enable us to finish this bill by mid afternoon.

I understand the House would like to act on this matter yet tomorrow. Of course, that would be assisted, if we could move it through the Senate in a reasonable time.

Parliamentary inquiry: If quorum calls are registered, is the time then drawn down equally from allocations of time?

The PRESIDING OFFICER. Only by unanimous consent. Otherwise, it is charged to the side to which it is assigned.

Mr. SARBANES. I am sure the chairman and I can work that out between us. I think it would be our intention not to have quorum calls. We want people to come and use this time, and not end up drawing it down.

I think we ought to, in effect, alert our Members to that effect, and also of our desire to be able to move straight through. So for Members who wish to speak beginning about 10:15 or 10:30, the thing will be open for Members to get time and speak on this conference report.

Mr. GRAMM. Mr. President, I join Senator SARBANES in urging Senators who want to speak on the bill, and I know there will be many, to be here. The clock will run. We will have to take a break right before 12 o'clock to swear in Senator Chafee, but except for that period of time where we will be off this bill, it will be my intention, and I know it is the intention of the leadership on both sides of the aisle, to stay on the bill until we finish it.

Today we are bringing to the floor a bill that has been a long time in the making. When Glass-Steagall was adopted, Franklin Roosevelt called it the most important and far-reaching legislation ever enacted by the American Congress. In fact, Time magazine just yesterday called it the defining financial legislation of the 20th century. Yet, while it is both of those, or has become both of those, Senator Glass almost immediately after the adoption of the Act bearing his name began to have second thoughts and started the process of overturning Glass-Steagall.

We are here today with a bill which I believe will prove to be the most important banking bill in 60 years. It does overturn the key provision of Glass-Steagall that basically divided the American financial system into securities and banking halves. In the process an unnatural competitive environment was created, and over time, the market and the regulators have through a variety of innovations sought to undo this separation.

This bill we bring to the floor of the Senate basically knocks down the barriers in American law that separate banking from insurance and banking from securities. These walls, over time, because of innovative regulators and because of the pressure of the market system, have come to look like very thin slices of Swiss cheese. As a result, we already have substantial competition occurring, but it is competition that is largely inefficient and costly, it is unstable, and it is not in the public interest for this situation to continue.

The Financial Services Modernization Act strikes down these walls and opens up new competition. It will create wholly new financial services organizations in America. It will literally bring to every city and town in America the financial services supermarket.

Americans today spend about $350 billion on financial services—on fees and charges and interest. Most people who have looked at the capacity for our markets under a more rational system believe, as I believe, that there are tens of billions of dollars of savings for the American consumer that will be produced by the reforms of this bill.

This bill will allow Dicky Flatt, a printer in Mexia, Texas, to go to the bank and take the checks he has received in his print shop that day and do his banking, deal with his insurance business, work on the retirement program that he and his wife and his employees have, all in one location with all the efficiencies and synergies that come from that.

This is a dramatic bill that will produce new products. It will produce a diversity of financial services and products that we have never seen before. Because of the competition in allowing these three major industries to compete head on, these products will be produced and these services will be provided at lower prices than we have ever seen.

There has been great debate in the media, and it will go on until the facts are in, as it should. That is what happens in a free society. But when people ask me who benefits from this bill, I answer, everybody who uses financial

services will benefit from this bill: Everybody who borrows money, everybody who has a checking account or a credit card, everybody who buys insurance or securities, everybody who is engaged in modern financial transactions. When you sum all that up, that is everybody in America, for all practical purposes.

Once we had decided to tear down these barriers, the logical question was, in providing these new financial services and these new products, how were they going to be provided? Were they going to be provided within the bank itself, or were they going to be provided in a holding company, separated from the bank? We had a very heated debate and, I believe, a debate with very high intellectual content on that subject on the floor of the Senate. It was decided in the Senate by a relatively close vote. It is one of these issues on which everybody's eyes glaze over, but it is an issue that has profound importance.

What we have produced in this bill, which is what is always produced in the legislative process, is a compromise. I think the compromise on the question of whether banks should provide these new services within the bank or outside the bank is a good compromise, and I strongly support it. I want to congratulate Larry Summers, the Secretary of the Treasury, and Alan Greenspan, the Chairman of the Board of Governors of the Federal Reserve System, for working out this compromise. I very strongly support it.

The compromise allows banks, under very limited circumstances, to provide some of these expanded services within the bank. Basically, those circumstances try to deal with two problems about which many have been concerned. I have been concerned about them, Alan Greenspan was concerned about them, and others were as well. We were concerned about safety and soundness and concentration of financial activities within a bank, driven by the potential for a bank benefiting from a subsidy because deposits are insured by the taxpayer, because the bank has access to the Fed window in borrowing money at lower rates than anybody else, and because of the bank's access to the Fed wire, and transferring funds risk free.

I believe the compromise deals with that by very severely limiting what banks can do within the bank, requiring that banks, in order to provide even limited financial services within the bank, be extremely well managed and well capitalized. That is, they have to have at least an A rating on their subordinated debt. Subordinated debt is the last debt to be paid, so if you are a bank and you have outstanding subordinated debt, that obligation is paid after the depositors, after the creditors, after everybody. For a bank to have an A or an AA or an AAA rating, it has to be extraordinarily well managed and well capitalized, and banks will not be able to engage in activities within the bank unless they meet that test.

We eliminate the double counting of assets that is inherent in providing these services within the bank. If you provide securities activities and services within the bank by setting up a securities operating subsidiary in the bank, you put capital into that securities business, but because it is under the umbrella of the bank, it counts as part of the capital of the bank even though it is committed to capitalizing the securities business. What we require in this compromise—and I think wisely require—is that we eliminate this double counting by saying the capital that is invested in the subsidiary cannot count as part of the capital of the bank.

We limit all subsidiaries that banks can engage in, and the investments they can make within the bank itself, to no more than 20 percent of the capital of the bank.

So these are very strict limitations. We have an outright prohibition on many activities. In terms of where we started and in terms of the legitimate concerns that were raised on both sides, I think this is a very strong and a very good compromise.

The second major feature of the bill is that we promote and strengthen functional regulation. Under the bill, the general rule is that if you are a bank and you are in the securities business, you are regulated by the Securities and Exchange Commission. If you are a bank and you are in the insurance business, you are regulated by the state insurance commissioner in the area where you are engaged in the insurance business. If you are a bank and you are engaged in banking, you are regulated by the bank regulator. By opting for functional regulation, we preserve consumer protection, we lower costs.

One of the issues on which an extraordinary amount of time was spent and which for 99.99 percent of the American people would be meaningless is the whole issue about swaps and derivatives. We currently have literally trillions of dollars of swaps and derivatives in the global economy that have become the underpinnings of the financial structure of the country. They are used by sophisticated parties. We went to great lengths in this bill not to upset the current regulatory environment for these products, to see that we did not create any new law giving anybody any new, or removing any existing, jurisdiction over swaps or derivatives. I thank Chairman Levitt and Chairman Greenspan for their help on this issue.

Probably the most contentious issue in the bill, as it turned out, was not the decision to repeal Glass-Steagall but what to do with the so-called Community Reinvestment Act, or CRA. The CRA was a bill created in 1977, that started out as a very small program, but over the years it has grown to be a very large program with increased enforcement and with greater impact due to the tremendous mergers taking place among financial institutions in America. CRA has literally become bigger than General Motors, Ford, and Chrysler combined. It has evolved in such a way that it not only involves loans but cash payments.

Concerns were raised—and I as chairman of the committee raised many of those concerns—that we needed to begin to see a reform process. We have two changes in the bill that are related to reforming CRA. By far the most important is the sunshine provision. The sunshine provision is very important because it recognizes that banks are making CRA payments as part of compliance practices, that while these payments are made with private funds, they are made under public direction. As a result, this money takes on a very clear government tint because it is paid substantially in part as a way of complying with a Federal mandate that has become a cost of business for people who are engaged in commercial banking in America. Because of the fact that these funds are paid as a result of a Federal mandate and a Federal law and a Federal regulatory process, these funds do take on the characteristic of public funds.

A decision was made in this bill to make two fundamental changes that I believe will change CRA's operation in America. The first was a decision to require a public disclosure and reporting of CRA agreements. I believe this is fundamentally important. If I am a community activist and I am paid $175,000 in cash by a bank to promote objectives within the community, if people who live in the community don't know that I received the $175,000, purportedly to serve the needs of the community, how can they hold me accountable as to how I used the money?

Second, we require on an annual basis both the bank and the recipient of money and things of value under the Community Reinvestment Act to disclose in a report what was done with the money. The language of the bill is very precise and quite demanding on this subject. While we have made a strong effort to give the regulators the ability within this language to reduce regulatory burden and paperwork, the language of the law is very clear, and regulators are given no power to decide to negate or refuse to implement this law as it is written. The language is very clear. The language says in setting out the reporting requirement: ''The accounting referred to in [the report] shall include a detailed, itemized list of the uses to which such funds have been made, including compensation, administrative expenses, travel, entertainment, consulting and professional fees paid, and such other categories, as determined by regulation by the appropriate Federal banking agency with supervisory responsibility over insured depository institution.''

It is our intent that the regulators clearly have the authority within reason to try to minimize regulatory burden. If some of this information is included in someone's tax return and they want to submit their tax return in lieu of the report, clearly the regulator has the power to allow that to be done and to make the tax return public. If the tax return did not include this information, it could not be accepted in lieu of this information.

The flexibility is flexibility in a reasonable enforcement of the law; it is not flexibility on the part of the regulator to decide to negate the law. As chairman, I say when we wrote ''detailed'' and ''itemized,'' we meant it.

As I have discussed with other Members, if one is talking about taking somebody to lunch at McDonald's—we are talking about de minimus amounts—obviously the regulator has the ability to set rules of reason. If one is talking about expenditures of substantial amounts of money either in individual expenditures or the aggregate of those expenditures, or talking about reporting items specifically listed in the law when we wrote it, we meant it. This is critically important. If one is a CRA activist in a city, and they go to Atlanta to a CRA conference, that is a legitimate expenditure to be reported. People expect to see that on their report. If they went to Hawaii for 3 weeks, that should be reported, and people at the local newspaper would have a right, and I think a responsibility, to ask what they were doing with that expenditure.

What we are trying to do is reasonable. I urge the regulators to comply with the law and enforce it as it has been written.

The second reform of CRA we undertake is regulatory relief. Our ranking member and I got a good laugh out of my arithmetic. Senator BYRD objected to people bringing calculators or computers on the floor, so without the aid of my trusty calculator, I estimated the cost of compliance with CRA was $1 trillion when I meant to say $1 billion. The point is, for small banks, many of whom have fewer than 10 employees, $1 billion is a lot of money. What we have done in regulatory relief is this. We said that every bank in America with less than $250 million in assets will be audited for CRA compliance once every 4 years as the normal audit process if they had a satisfactory rating on their last CRA evaluation. If they had the highest CRA rating, an outstanding, then they would be audited every 5 years. People who work hard to get an outstanding rating would thereby be rewarded.

We put into the language the flexibility, for reasonable cause, that the regulators could go back on a case-by-case basis and reduce or increase the intervals at which such audits would occur. By reasonable cause, we mean based on the actions of the bank, the record of the bank. We are not here giving or intending to give, nor can it be reasonably construed to give to the regulators, any kind of blank check to alter the intention of this law. If they have a finding on a factual basis that something has changed, they have the right, as anyone would expect, to go in and to audit more or less frequently. However, they have to have a finding based on facts.

When this bill came to the floor of the Senate about a year ago, it had two provisions expanding CRA. One was a provision that said that being out of compliance with CRA was a violation of banking law and could have, in extreme circumstances, subjected a bank officer or director to fines of up to $1 million, and could have given the regulator the ability to impose strong sanctions against the bank as well. That provision is not present in this bill.

The second provision of the old bill required a maintenance of a CRA rating in order for a bank to conduct certain activities. That provision is not in this bill. That is critically important, because that would literally have given the regulator the ability to force a financial services holding company, that might have hundreds of billions of dollars in assets in the holding company, to unwind investments as a result of literally one branch being out of compliance with CRA.

This bill is very simple and, again, the language is very precise, and meant to be. It says that on the day you become a financial services holding company, you have to have been in compliance with your last CRA report. In other words, with the last audit that was done, you have to have had one of those two ratings, satisfactory or outstanding. This would be in the last CRA report that was filed, and if you had that rating, you are automatically qualified.

Once a company becomes a financial services holding company, they can invest any amount of their money and grow any activity already in engaged in within the financial services holding company, without regard to CRA. If they want to commence a new activity, on the date they make that undertaking they have to have been in compliance with CRA as certified on their last CRA report. This does not trigger a new audit. This does not entertain any new protest. It simply is a verification by the regulator that on that day of commencing their new activity, their most recent evaluation will have shown that they had at least a satisfactory CRA rating.

The next issue we dealt with was financial privacy. When we dealt with the bill in the Senate, this had not yet become an issue that had inflamed the public's consciousness. We adopted the provisions of the minority substitute related to privacy, and it basically had to do with people who willfully misrepresent themselves to get financial data. We come down on them like a ton of bricks, as we should. But by the time the House acted, financial privacy had become a substantial issue, and the House included very extensive privacy provisions.

We have made changes to those privacy provisions, and I believe we have strengthened them, and we have made the bill better. I want to very briefly say a couple of things about privacy.

Obviously, in the new world in which we live, we have become accustomed to people knowing a great deal about us. The day I turned 50, I got a kit from AARP with all kinds of applications for AARP and a tube of Preparation H. One might say my privacy was invaded, that somehow AARP found out I was 50 years old. My children got a great laugh out of the Preparation H. One could say that somehow my privacy had been breached, but do we really want a society where an organization such as AARP cannot get access to information about when we turn 50 and invite us to join? I chose not to join because 50 sounded younger every minute to me; 57 sounds younger than it used to.

I have hunting dogs, and like many people who have enlightened habits, I subscribe to Gun Dog magazine. I guess because I subscribe to Gun Dog magazine, I get every hunting catalog, every fishing catalog, every dog food catalog, every dog accessory catalog on the planet. I literally get two or three of them a week. Quite frankly, I love getting them.

Did Gun Dog magazine violate my most intimate secrets by selling the list so that I get, every once in a while, free samples of dog food or dog bones or a dried pig's ear? I get a lot of things in the mail. I do not think my privacy is being violated. Maybe some people object to that, but I do not.

What I have tried to do, and what I think we have done in this bill, is we tried to set a rule of reason. Above the archway going into Delphi, the ancient Greeks wrote: Moderation in all things. It is a hard thing for somebody who feels as strongly about things as I do to remember, but everyone should remember it.

We did not want to kill off the information age before it was ever born. We are not writing the final word on privacy. This is something we want to watch and follow and see where abuses are and, when they occur, try to fix them. But, on the other hand, we all benefit. Some people could say we lose.

I do not get a Neiman Marcus catalog. One might ask: How come I do not? Neiman Marcus catalogs cost a lot of money to print and mail, and they have somehow figured out enough about me to figure that I do not buy luxury items, so they do not send me a Neiman Marcus catalog. Again, is that an invasion of my privacy? Is my freedom somehow diminished? I do not think so. The point is, if Neiman Marcus can get the catalog to people who are likely to buy something, they can sell it at a lower price, so society benefits.

This is what we did on privacy: The most important thing we did was not

in the House bill. It was an amendment that was offered by Senator GRAMS and Senator SANTORUM that put into the bill for the first time a full disclosure requirement. It requires every bank in America, when you open your account, to tell you precisely what their policy is: Do they share personal financial information within the bank? Do they share it outside the bank? We have a comprehensive listing of the conditions they have to meet. Do they disclose nonpublic information once you are no longer a customer? And what do they do to protect information?

Why is this important? This is important because this is the ultimate protection of privacy. If I do not believe a bank protects my privacy, I do not want to bank with them. I can bank with somebody else. If millions of people feel the way I do, you will get banks that will set out policies of not sharing information, and they will attract customers.

For example, I am proud to have an American Express card. American Express is a great American company. And I am proud I have been a member since 1970 something. They say that they do not share my information on that card with anybody.

I do not get that same guarantee from another card, but I get that guarantee from American Express. I happen to have a variety of credit cards. Obviously, I am not very worried about it, but if I were worried about it, I could just use my American Express Card. So I have an opt-in when people give me full information. If I do not like their policy, I do not become their customer. I can opt out. That is the basic freedom.

I just add, freedom is based on knowledge and the right to choose, not based on government. I believe that we are guaranteeing that with full disclosure.

Second, we adopted the House provision that said if the bank was going to use, or the financial services holding company was going to let people outside the bank have access to, the information, they have to give you the right to opt out. That provision was adopted.

Finally, we have a provision in the language which will allow financial institutions to partner with other financial services providers. This will give flexibility that we hope will be implemented to allow, in particular, small banks to share information with their business partners in a manner so that they can compete with a larger corporation that does a variety of activities within the corporation or among its affiliates.

Let me talk about one other issue, and then I want to say some thanks and stop, because I know Senator SARBANES wants to speak, and we want to go home.

This is not the end of the process. I believe this is the most important banking bill in 60 years. But there will be another banking bill within 10 years, and it will deal with commerce. Banking and commerce is already a reality. This bill is a pause, and it is only a pause, and it is not going to last very long.

One of the things that is in this bill, which I am opposed to—it was adopted by a two-thirds vote in the Senate, and here we live by majority rule, by and large—but basically this was a provision that said if you went in and invested money as a commercial company, in a thrift—and many people did when many thrifts were in trouble and we did not have money enough to shut them down—that now you cannot sell your charter unless the charter is broken apart into its component parts.

I do not believe this provision and other prohibitions against commerce and banking will last very long. It is just my opinion. I do not view with any great horror the possibility of going to Wal-Mart and having them sell financial services. In fact, I view it as something that would be good. They now do it all over America in partnership with city banks in those towns, but they can only get partners where they have enough customers to make it worthwhile to the bank.

The idea they might someday be able to provide the service as part of the overall functioning of Wal-Mart, through a thrift charter or through a credit union charter or a banking charter, I see that as a positive thing. I suspect that a very substantial number of Wal-Mart employees do not have a banking relationship with a credit union or an S&L or a bank. Many of their customers do not. And taking services to them, I would view as a public good, not a public evil. But other people see it differently.

What we are doing in this bill is agreeing that we have a pause. I do not believe it will last long. I think in 10 years we will have widespread commerce and banking in America.

I want to just say some thanks.

I thank Al D'Amato. I do not want people to forget that this bill did not start on my watch as chairman. This bill started when Al D'Amato was chairman of the Senate Banking Committee. And while that bill did not become law, and while in some ways this bill is very different from that bill, in other ways the two bills are very similar.

Al D'Amato did probably his best legislative work in his career in helping to move this process forward. When we started, we started where Al D'Amato left off. So I think the former chairman of this committee is due a substantial amount of the credit. I wanted to be sure that I began with that, and I did not want to forget to say that.

I thank Senator LOTT for his strong, committed support. I think it is clear, without his support, with the long and difficult negotiations we have had, that this bill would be very different from what it is today. I can assure you, as every Member of the Senate knows, when you have your leadership's support, it is like having a good stone wall to your back in a gun fight. It does not keep you from getting killed, but at least nobody shoots you in the back. It has been a very important thing to me as we have negotiated out this bill, very important in a difficult process.

I thank Senator SARBANES, who is very knowledgeable and experienced on these issues. I thank him for his input, and that has been input that has varied, from issues to issues themselves, to advice on how, as a brand new chairman, I was conducting my part of the conference. I would have to say that more often than not I think he was right in the comments he made. I believe I have learned from that process.

I thank Senator JOHNSON, the first Democrat who signed the conference report.

I thank Senators DODD and EDWARDS and SCHUMER and BAYH. They were real catalysts in getting the administration together with us to push the ball over the goal line. I think they contributed significantly in doing that.

I thank Chairman LEACH, the chairman of the House Banking Committee, who also served as the chairman of the conference. There have been people in the media who tried to portray this conference as a contest somehow between Congressman LEACH and me. I do not think that is fair to me or to Congressman LEACH. I think Chairman LEACH did a great job. I think he contributed to the process. I would have to say there were difficult times in trying to work things out. Our approaches were very different. But in the end, it worked. And the great thing about success is, it has a thousand parents, and we can all claim credit; and we would have all rightly gotten blamed had we failed.

I thank Chairman BLILEY. I knew TOM much better than I knew Congressman LEACH when we started the process. I thank him for his leadership on securities issues and on the bill itself.

I thank Congressmen LAFALCE and VENTO, the ranking Democrat members of the House Banking Committee, for their input and their knowledge and their leadership.

I thank Congressman RICHARD BAKER, who I believe is a very talented young man, and certainly one of the most knowledgeable people in the House of Representatives on banking issues.

I thank Larry Summers and Gene Sperling. I had many hours of negotiating with them and others, and alone with them. If you could make a living selling them something or buying something from them to resell, you would be pretty good. They negotiated hard. They were totally honorable in their negotiations. I am glad that we reached a product that they have enthusiastically endorsed and I have endorsed.

I thank Arthur Levitt, Chairman of the Securities and Exchange Commission. Chairman Levitt raised legitimate security concerns that I thought should be addressed. I and others sat

down with Chairman Levitt and heard him out, and he had a substantial impact on the bill.

I thank Federal Reserve Board Chairman Alan Greenspan. I have said it on many occasions—and I am always happy to say it again—Alan Greenspan is the greatest central banker in American history; therefore by definition, the greatest central banker in the history of the world. He probably had as much impact on this bill as any non-Member did. His input and impact were always positive. And from the operating subsidiary issue, to virtually hundreds of other issues, his input was critically important.

And his general counsel, Virgil Mattingly, is one of these indispensable people who the public never knows about—thinks of them as faceless bureaucrats—but the reality is, his institutional knowledge and good sense had a substantial impact on this bill.

I thank all of my Republican colleagues on the conference. We had, at least in my opinion, an effort on the part of some on the House side to try to satisfy everybody. As a result, we got all sorts of amendments that came over to our side of the conference which basically were in conflict with the underlying logic of the bill, many of them popular, as various interest groups tried to go back and recut their deal once more or gain some special privilege or special advantage. I thank Senator SHELBY, Senator MACK, Senator BENNETT, Senator GRAMS, Senator ALLARD, Senator HAGEL, Senator ENZI, Senator SANTORUM, Senator BUNNING, and Senator CRAPO for consistently and courageously voting down every one of those amendments.

We have one of the cleanest pieces of major legislation I have seen and, I believe, one of the cleanest bills that has passed Congress in the last 20 years, in large part because these Members knew what they wanted to do. They took a position, and they stuck with it consistently throughout the process.

I thank Senator BENNETT, who was chairman of the Subcommittee on Financial Institutions, the subcommittee with jurisdiction over major portions of this bill. I thank Senator HAGEL for his leadership on Federal Home Loan Bank issues. I thank Senators GRAMS and SANTORUM on privacy issues.

Finally, I want to thank some people on my staff. I thank Dina Ellis, who has done all the hard work on CRA. She is a very sweet lady with a very soft voice, but she is a very serious, tough person. Much of our success in bringing sunshine to CRA and regulatory relief to smaller banks has been due to her great work.

I thank Christi Harlan, who has taken the dullest of issues that are totally incomprehensible to most people and done an excellent job in trying to communicate to the media in a form they could understand what was going on and why it mattered.

I thank Steve McMillin, who is an indispensable staff member to me. He came to work for me right out of college from the University of Texas. I am from Texas A&M, so I didn't start with any kind of overwhelming expectations. But Steve McMillin has become an indispensable person to me as a legislator. It would be virtually impossible to run my office and do what I do without him.

I thank Geoff Gray for his legal work in burrowing in on the issues that didn't seem important until he spoke up. But when he spoke up, they became very important.

I thank Linda Lord. Linda Lord, throughout this process, has known more about this bill and more about the underlying law that it changed than all the staff members of all the Members of the House and Senate, of all the staff members of the Treasury and the Federal Reserve Bank and the Securities and Exchange Commission, and all of the outside lawyers who were hired by people to represent their interests, all combined. Her knowledge and the force with which she has presented it have had a dramatic impact on this bill. In fact, the words of this bill are largely her words. She has been an indispensable person in doing this bill.

I thank Joe Kolinski, who organized the conferences. It was a nightmare, moving from place to place. He was able to do it all. The mikes always worked. There was plenty of water. It was always crowded, which made people uncomfortable and got them to move on, which was very helpful.

Finally, I thank our staff director, Wayne Abernathy. Wayne started on the Banking Committee as an intern and is now the staff director. He knows everything about these issues. I trust his judgment as well as I trust my own judgment. I think I can sum up his contribution—the way I feel about him—by simply quoting a great philosopher who once said: In no way can you get a keener insight into the true nature of a leader than by looking at the people with whom he surrounds himself. I would be very proud to have anybody on Earth judge me by Wayne Abernathy. I think they would be giving me mercy and not justice by doing it.

I thank everybody for their contribution, and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in support of the conference report on the Financial Services Modernization Act of 1999.

The Congress has struggled for over two decades with the issue of whether to permit banks to affiliate with securities firms and insurance companies. This issue raises important questions for the safety and soundness of the financial system, important questions about the concentration of economic power, important questions about consumer protection, and important questions about access to credit for all Americans.

These are far-reaching and difficult public policy issues. The fact that they are so far-reaching and difficult, combined with differences among affected financial sectors—sectors of the financial industry over what should be contained in legislation and how to balance the concerns of consumers, the important consideration of safety and soundness and of assuring that the credit system will work to the benefit of all Americans—has made the enactment of a bill a significant challenge over an extended period of time.

In recent years, actions by regulators have permitted significant affiliations between banks and nonbank financial companies to take place. It is very important to keep that in mind as we consider enacting a piece of legislation because one has to be very much aware of what has transpired and the changes that have taken place in the financial arena as they consider the changes this legislation would now permit. Very frankly, the issue for Congress is not whether these affiliations should occur, because they have occurred one way or another, but whether they should take place on an orderly basis in the context of a responsible statutory framework or, instead, on an ad hoc basis as permitted by the regulators.

In my view, the preferable circumstance is for these affiliations to take place in the context of a responsible statutory framework established by the Congress, a framework that provides the regulators sufficient authority to protect the safety and soundness of the financial system, which maintains the separation of banking and commerce, protects consumers, preserves the relevance of the Community Reinvestment Act, and provides a choice to banks to conduct their expanded activities either through a holding company or a subsidiary of the bank.

It was not clear at the beginning of this Congress whether these goals could be achieved. The Senate passed a bill by the relatively close margin of 54–44 that, in my judgment, did not meet these objectives and was the object of a strong veto threat by the President. The House of Representatives, on the other hand, had passed a bill that largely met these objectives and that the Administration was prepared to support.

Today I am pleased to say to my colleagues that, in my view and in the view of the Administration, the bill produced by the conference committee is perceived as basically meeting the necessary standards. It is for that reason I am prepared to support the conference report. It is my understanding that the President is prepared to sign this legislation into law.

I ask unanimous consent that a letter from Secretary Summers to Senator DASCHLE stating the Administration's position, indicating their strong support for this legislation and urging its adoption, be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. Mr. President, I want to take a few minutes to lay out why, on balance, I believe the enactment of this conference report is in the public interest.

First, the legislation gives the regulators significant authority to supervise newly affiliated financial companies and protect the safety and soundness of the financial system. I started with the safety and soundness issue because I think it is paramount. I think the U.S. economy, in large part, depends on the confidence in the safety and soundness of our economic and financial institutions. If we are to lose that confidence, which exists not only in this country, but around the world, I think we would be in severe difficulties in a very broad and fundamental economic sense. So safety and soundness, I think, always has to be at the very top of the list of our concerns.

Specifically, section 114 of the conference report provides the Federal Reserve, the Comptroller of the Currency, and the FDIC authority to place restrictions or requirements on relationships or transactions between a bank and an affiliated company or a subsidiary, appropriate to prevent an evasion of any provision of law applicable to depository institutions, or—and I quote the bill now, soon to become a statute, I hope—''to avoid any significant risk to the safety and soundness of depository institutions, or any Federal deposit insurance fund, or other adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.''

This important and broad delegation of authority to require ''firewalls'' to protect the federally insured bank from nonbank affiliates or subsidiaries emphasizes the important burden being placed on the regulators by this legislation to develop a coherent, responsible, safe and prudent approach to the supervision of the financial system. The permission contained herein for the expansion of activities calls for vigilant supervision of the financial system by the regulators. The legislation, in my view, provides the regulators the authority to do the job, but the responsibility will be on them to carry it out.

So this ''firewall'' provision that is in the conference report, which was actually taken from the House bill—we had no comparable provision on this side—gives the regulators the authority, I believe, to ensure a responsible, safe, and prudent approach. But it places, I think, a significant responsibility upon the regulators to exercise this authority in a way that it ensures that these objectives are realized.

This legislation also codifies a principle of functional regulation under which bank activities are generally supervised by bank regulators, securities activities by securities regulators, and insurance activities by insurance regulators. New financial activities are the joint responsibility of the Federal Reserve and the Treasury, which also serve as the umbrella regulators respectively of a financial holding company or a bank and its operating subsidiaries.

Now, secondly, the conference report strengthens the separation that currently exists in our financial system between banking and commerce. Financial authorities, including Federal Reserve Chairman Alan Greenspan, Treasury Secretary Larry Summers, former Treasury Secretary Bob Rubin, former Federal Reserve Board Chairman Paul Volcker, and many other commentators, such as Henry Kaufman, Gerald Corrigan—and the list goes on—have expressed strong concerns about the mixing of banking and commerce, particularly in light of the recent experiences in Asia.

The conference report, therefore, closes the so-called unitary thrift holding company loophole to the separation of banking and commerce. The report before us prohibits all unitary thrift holding companies from having commercial affiliates. In addition, it prohibits exists unitary thrift holding companies from being transferred to commercial companies. This prohibition on transfer to commercial companies was added to the Senate bill on the floor by an amendment offered by my colleague, Senator JOHNSON of South Dakota, and it carried in the Senate by a 2-to-1 vote and was subsequently adopted by the conference committee.

In addition, the conference report contains important limitations similar to the House bill on merchant banking activities and activities complementary to financial activities that are designed to maintain the separation of banking and commerce.

In regard to merchant banking, the conference report allows a financial holding company to retain a merchant banking investment only for a limited period of time and generally prohibits the company from routinely managing or operating a nonfinancial company held as a merchant banking investment. Importantly, the conference report also gives the Federal Reserve and the Treasury the authority to jointly develop implementing regulations on merchant banking activities that they deem appropriate to further the purposes and prevent evasions of the conference report and the Bank Holding Company Act. Under this authority, the Federal Reserve and the Treasury may define relevant terms and impose such limitations as they deem appropriate to ensure that this new authority does not foster conflicts of interest or undermine the safety and soundness of depository institutions, or the conference report's general prohibition on the mixing of banking and commerce.

In regard to activities determined by the Federal Reserve Board to be complementary to financial activities, it is expected that such activities will not be significant in size, and determinations will be made on a case by case basis.

Third, with respect to consumer protections, the conference report contains important protections for consumers regarding the sale of uninsured financial products by banks. The conference report provides the Securities and Exchange Commission significant authority to supervise the securities activities of banks and includes several crucial investor protections. The conference report incorporates provisions to ensure the SEC can adequately regulate bank-sponsored mutual funds. These provisions are necessary to ensure that the SEC has adequate information about and inspection authority over bank investment advisers to inspect for trading violations, such as front-running and personal trading.

The provisions also address potential significant conflicts of interest that may impact banks that advise registered investment companies. The conference report also ensures SEC protections for new hybrid products and for most sales of securities by banks. It also includes protections for sales of sophisticated securities instruments to retail investors.

Similarly, the conference report requires the Federal banking agencies to issue consumer protection regulations within one year, applicable to the sale of insurance by any bank or other depository institution, or by any person on behalf of such an institution. The regulations will give protection over several aspects of insurance sales, such as sales practices, including anti-tying and anti-coercion rules; advertising; location, limiting sales to an area physically segregated from where deposits are taken; and qualification and licensing of sales personnel.

The conference report also preserves important authorities for the States to provide consumer protection on bank sales of insurance products. These protections were in the House bill and were included in the Senate bill by an amendment offered by Senator BRYAN during the markup in the Banking Committee. It was in the legislation that came to the Senate floor, and was passed by the Senate.

Fourth, with respect to the operating subsidiary issue, the conference report contains a provision authorizing banks to conduct certain new activities through an operating subsidiary of the bank. I will not go into this provision in detail. I simply note that it was worked out between the Treasury and the Federal Reserve over an extended period of time, and was crucial to the Administration giving its support to this bill. It will give financial services firms some latitude in choosing the corporate structure that best serves their customers.

In regard to the Community Reinvestment Act, this legislation establishes a fundamental principle: No bank or financial holding company can

engage in any new activities authorized by the bill, or engage in any new merger or acquisition authorized by the bill, if the bank or financial holding company does not have a satisfactory CRA rating.

This requirement on a bank or financial holding company for a satisfactory CRA rating in order to benefit from the new powers provided by the legislation was necessary to preserve the relevance of CRA in the new financial world which will be created by this bill. Without it, a bank's CRA performance would have become irrelevant to what will likely be the most intense area of activity in the financial industry. And the acceptance of this provision was essential for the Administration, and indeed for the Democratic members of the conference committee, to support the conference report.

The conference report does not contain two provisions with respect to CRA that were in the Senate bill, and I think would have been very damaging. One would have provided a safe harbor for banks from public comment on their CRA performance when they submitted an application to a regulator. The second exempted rural banks with assets under $100 million from CRA altogether.

The conference report does contain a provision providing for banks with assets under $250 million to have CRA examinations once every 4 years if they have a satisfactory rating, and once every 5 years if they have an outstanding rating. The regulators do retain authority to examine a bank at any time for reasonable cause.

The conference report also contains a provision requiring public disclosure and reporting on CRA agreements. The conference report explicitly directs the regulators to ensure that regulations prescribed by the agencies do not impose an undue burden on parties. In this regard, the statement of managers specifically provides that the reporting requirements of the provision can be fulfilled by the submission of a group's annual audited financial statement, or its Federal income tax return.

This was a provision that was intensely discussed and negotiated. The concept of public disclosure which was in the Senate bill was accepted by the conferees. The question that had to be worked out was exactly what did that mean and what was the reach of it and the requirements of it. As with many other provisions of this bill, the regulators will carry a particular responsibility to implement these provisions in a reasonable and responsible way.

Finally, let me point out where the conference report does not fully address two important areas. First, I do not think that the right of an individual to financial privacy is adequately protected. I expect that issue will be discussed at some length by some of my colleagues in the course of the debate on this conference report. Second, we have not dealt with what I think is a very important issue of what is called ''too big to fail.''

On the issue of privacy, last January I introduced the ''Financial Information Privacy Act of 1999'' together with a number of my colleagues, some of whom serve on the Banking Committee. I am frank to say I believe the central issue in this debate on privacy boils down to answering the question: To whom does this personal financial information belong, the individual, or the financial institution? I think upon reflection most people would answer the individual.

This legislation introduced earlier this year would have given an individual the right to ''opt out'', which would mean the right to say ''no'' to the sharing of or selling of his or her personal information to an affiliate within a financial services holding company. It also would have required an ''opt-in'' for the selling of such information to a third party. An ''opt-in'' would require a customer's informed consent before selling or sharing confidential customer information with an unaffiliated third party.

Neither of these provisions are included in the legislation before us. However, we were able to include in the conference report an amendment that I proposed which ensures that the Federal Government will not preempt stronger State financial privacy laws that exist now or may be enacted in the future. As a result, States will be free to enact stronger privacy safeguards if they deem it appropriate.

I am very frank to say that I think Americans are becoming increasingly concerned about this issue of financial privacy protection. I predict that this issue of privacy will not go away with the passage of this legislation. I know Senators BRYAN and SHELBY took a very strong lead in the conference committee on the privacy issue, along with a number of their colleagues from the House. Many of those who were very supportive of that effort will want to speak at some length on this subject during the discussion of this conference report, and they have specifically reserved time in order to do that.

The conference report also fails to deal with the creation of institutions which may be deemed ''too big to fail.'' The legislation before us substantially transforms the structure of the financial services industry by eliminating restrictions on the affiliations of banks, insurance companies, and securities firms. Despite the benefits which may accrue from such affiliations, there continue to be legitimate concerns that mergers permitted under this bill would create financial organizations so large that they would be deemed ''too big to fail.''

Organizations as diverse as the American Enterprise Institute, the Brookings Institution, and the former Bankers Roundtable have repeatedly encouraged us to address the ''too big to fail'' problem by requiring large banking organizations to back some portion of their assets with subordinated debt. Regrettably, the conference report contains no such mandatory subordinated debt requirement or other market policing mechanisms. The report does contain an 18-month study to be conducted by the Federal Reserve Board and the Treasury Department regarding the use of subordinated debt to protect the financial system, and to protect federally ensured deposit funds from the ''too big to fail'' institutions.

While obviously I think it would have been better to address this issue directly in the legislation, I certainly hope that 18 months from now, if not sooner, the Federal Reserve Board and the Treasury will present the Congress with a joint recommendation together with legislative proposals on how best to deal with the issue of ''too big to fail.'' In trying circumstances, the consequences of failing to deal with this issue could be extremely severe. I am hopeful that the Federal Reserve Board and the Treasury will come back with a joint set of recommendations we can place into law.

These issues—dealing comprehensively with privacy and with ''too big to fail''—remain to be addressed as we move into the future.

Finally, I want to make a brief observation about the context in which we are working and have to consider this legislation. The need for this legislation has been influenced by the marketplace. In seeking to respond to the financial needs of their customers, securities firms have offered bank-like products, banks have offered insurance-like products, and both banks and insurance companies have engaged in significant securities activities. This blurring of the lines among banks, securities, and insurance products has been taking place in the marketplace since at least the mid-1970s.

Those who look at this endeavor and say we don't want to allow any of this affiliation to take place need to appreciate and understand, it has been happening in a significant way. A development which began the blurring of the distinction between securities and bank products was the offering by securities firms of cash management accounts. That development added a bank deposit transaction feature to a securities account. It allows customers to write checks on their money market funds, enabling those accounts to function much like the traditional checking account. Subsequently, marketplace changes, regulatory actions, and court decisions have enabled banks to sell insurance and to develop annuity products that have insurance characteristics but are defined as bank products.

On the commercial banking side, interpretations of existing laws have brought about a significant shift in ownership of firms underwriting securities. As of this past September, all the top 20 bank holding companies had what are known as section 20 subsidiaries that may engage under certain conditions in securities underwriting.

Updating our financial services laws is not only important to enable financial services firms to respond to the financial service needs of their customers, it is also important in order to ensure that appropriate regulatory oversight is maintained in the evolving marketplace.

In my view, this conference report will put in place a rational legislative framework for the future evolution of the U.S. financial services industry. It is a framework that will preserve safety and soundness, maintain the separation of banking and commerce, provide meaningful consumer protections, and preserve the relevance of the Community Reinvestment Act. I urge my colleagues to support this legislation.

I extend my congratulations to the chairman of the Banking Committee, Senator GRAMM. It has been a long ride, as one might say, with its ups and downs. However, the ship has been brought into port, so to speak. With the various accommodations worked out in the course of the conference, I expect the very close vote on the Senate bill will shift very markedly in the direction of support for this conference report.

I echo Senator GRAMM's commendation of House Banking Committee Chairman LEACH who was chairman of the conference committee. Chairman LEACH showed great fairness and calm under pressing circumstances. He kept the process working at times when it might otherwise have been in some jeopardy. Congressman LAFALCE as ranking member of the House Banking Committee, Congressman BLILEY and Congressman DINGELL, the chairman and ranking member of the House Commerce Committee, and indeed all the members of the conference who in one way or another played very constructive roles in trying to work this situation out deserve commendation.

I am particularly grateful to my Democratic colleagues on the Banking, Housing, and Urban Affairs Committee for working through and joining together as we sought to achieve legislation that would meet our desires and meet the perceptions of the Administration and therefore bring about a Presidential signature at the end of this process. All Members on both sides of the aisle did not want to go through this very extended process and then have it vetoed and have to start all over again. Fortunately, we have accomplished that.

Federal Reserve Board Chairman Greenspan played a significant role, as did the members of his staff who are extremely able, as did Treasury Secretary Summers and the members of his Treasury staff. I also acknowledge the role Bob Rubin has played in shaping where we are today, although he is no longer Secretary of the Treasury. Chairman GRAMM appropriately recognized the role Chairman D'AMATO played in moving this legislation along. The Chairman of the SEC, Arthur Levitt, was important on the investor protection provisions.

Finally, I thank the staff on this side of the aisle. Chairman GRAMM has recognized staff on his side of the aisle. I have high respect for their commitment and their competency. I don't think people fully appreciate the kind of dedication staff provides when Members are working through a very complex, complicated piece of legislation such as this. In this we have not only the concepts on which to reach agreement, but we have to work the concepts in the statutory language in a way that embodies what the understanding was that will also work in a technical and complex way. We are dealing with the sort of issues where, if it does not work, there are problems. I am hopeful we won't have to come back with extended technical corrections with respect to this legislation. If that is the case, obviously, we bow our heads to the staff.

On our side, I acknowledge our staff director Steve Harris, Marty Gruenberg, Patience Singleton, Dean Shahinian, Mitchell Feuer, Michael Beresik, Jonathan Miller, Yael Belkind, Erin Hanson, and Christen Schaefer. That is a long list, but it is a long list because some of the people are no longer on the staff. This issue has been going on long enough that people have come and gone. A number of those I listed are no longer on the staff, but they were here through at least part, if not a lot, of this effort. They made a significant contribution. It would be an oversight not to reference them.

Tomorrow, obviously, we will resume the debate. We will have the opportunity to hear from a number of our colleagues on this issue. I anticipate we will be able to go to a vote by mid-afternoon on this very important piece of legislation.

I yield the floor.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, November 3, 1999.

Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR TOM: The Administration strongly supports passage of S. 900, the Gramm-Leach-Bliley Act of 1999. This legislation will modernize our financial services laws to better enable American companies to compete in the new economy.

The bill makes the most important legislative changes to the structure of the U.S. financial system since the 1930s. By allowing a single organization to offer any type of financial product, the bill stimulate competition, thereby increasing choice and reducing costs for consumers, communities and businesses. Americans spent over $350 billion per year on fees and commissions for brokerage insurance, and banking services. If increased competition yielded savings to consumers of even 5 percent, they would save over $18 billion per year.

Removal of barriers to competition will also enhance the stability of our financial services system. Financial firms will be able to diversify the product offerings and thus their sources of revenue. They also will be better able to compete in global financial markets.

The President has strongly supported the elimination of barriers to financial services competition. He has made clear, however, that any financial modernization bill must also preserve the vitality of the Community Reinvestment Act, enhance consumer protection to the privacy and other areas, follow financial services firms to choose the corporate structure that best serves their customers, and continue the traditional separation of banking commerce. As approved by the Conference Committee, S. 900 accomplishes each of these goals.

With respect to CRA, S. 900 establishes an important, prospective principle: banking organizations seeking to take advantage of new, non-banking authority must demonstrate a satisfactory record of meeting the credit needs of all the communities they serve, including low and moderate income communities. Thus, S. 900 for the first time prohibits a bank or holding company from expanding into newly authorized businesses such as securities and insurance underwriting unless all of its insured depository institutions have a satisfactory or better CRA rating. Furthermore, CRA will continue to apply to all banks, and existing procedures for public comment on, and CRA review of, any application to acquire or merge with a bank will be preserved. The bill offers further support for community development in the form of a new program to provide technical help to low- and moderate-income micro-entrepreneurs.

The bill includes other measures affecting CRA that have been narrowed significantly from their earlier Senate form. The bill includes a limited extension of the CRA examinational cycle for small banks with outstanding or satisfactory CRA records, but expressly preserves the ability of regulators to examine a bank any time for reasonable cause, and does not affect regulators ability to inquire in connection with an application. Finally, the bill includes a requirement for disclosure and reporting of CRA agreements. We believe that the legislation and its legislative history have been constructed to prevent undue burdens from being imposed on banks and those working to stimulate investment in underserved communities.

In May, the President stressed the importance of adopting strong and enforceable privacy protections for consumers financial information. S. 900 provides protections for consumers that extend far beyond existing law. For the first time, consumers will have an absolute right to know if their financial institution intends to share or sell their personal financial data, and will have the right to block sharing or sale outside the financial institutions' corporate family. Of equal importance, these restrictions have teeth. S. 900 gives regulatory agencies full authority to enforce privacy protections, as well as new rulemaking authority under the existing Fair Credit Reporting Act. The bill also expressly preserves the ability of states to provide stronger privacy protections. In addition, it establishes new safeguards to prevent pretext calling, by which unscrupulous operators seek to discover the financial assets of consumers. In sum, we believe that this reflects a real improvement over the status quo; but, we will not rest. We will continue to press for even greater protections—especially effective choice about whether personal financial information can be shared with affiliates.

We are pleased that the bill promotes innovation and competition in the financial sector, by allowing banks to choose whether to conduct most new non-banking activities, including securities underwriting and dealing, in either a financial subsidiary or an affiliate of a bank.

The bill also promotes the safety and soundness of the financial system by enhancing the traditional separation of banking and

commerce. The bill strictly limits the ability of thrift institutions to affiliate with commercial companies, closing a gap in existing law. The bill also includes restrictions on control of commercial companies through merchant banking.

Although the Administration strongly supports S. 900, there are provisions of the bill that concern us. The bill's redomestication provisions could allow mutual insurance companies to avoid state law protecting policyholders, enriching insiders at the expense of consumers. The Administration intends to monitor any redomestications and state law changes closely, and return to the Congress if necessary. The bill's Federal Home Loan Bank provisions fail to focus the System more on lending to community banks and less on arbitrage activities short-term lending that do not advance its public purpose.

The Administration strongly supports S. 900, and urges its adoption by the Congress.

Sincerely,

LAWRENCE H. SUMMERS.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank Senator SARBANES for his kind remarks and for remembering Bob Rubin, who was a very major contributor to this bill. Let me also say that I think it would be helpful if in the morning everyone will come over so we do not have long pauses. My concern is that we do have a lot of people who are going to want to speak on this bill. We are going to be forced to try to stay with the schedule because the House wants to vote on this tomorrow afternoon. So I hope people will come over and speak so we do not end up with this problem where people are given 1 or 2 minutes when they have something they need to say.

I think that can be avoided if people come over early.

Mr. SARBANES. If the chairman will yield, I want to echo the chairman's comments. I say to our colleagues, if Senators will come early on and we can perhaps sequence them, we can give them more time than if some of the time is used up in quorum calls. Waiting for people to come becomes lost time. Then, when people come over, we may be very limited in how much time we have available to give them.

If Senators have statements they want to make of some consequence, we very much hope they will come over and do that.

Mr. GRAMM. Mr. President, we both want to reserve the remainder of our time for use tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRAMM. Mr. President, I now ask unanimous consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOOL TARIFFS

Mr. MOYNIHAN. Mr. President, a moment on a matter that is not included in the trade legislation that has just been approved by the Senate—the near-exorbitant tariff on fine wool fabrics. This modest proposal appears to have generated an inordinate amount of controversy, all the more baffling because the facts are so persuasive.

We have just a few suit manufacturers left in the United States, including Hickey-Freeman, which has produced fine tailored suits in Rochester, New York since 1899. Our tariffs are stacked against them.

There is only a limited supply in the United States of fine wool fabric. The suit makers must import significant quantities of this fabric, at a current tariff rate of 30.6%. But importers can bring in completely finished wool suits duty free from Canada and Mexico, and subject to a 19.8% duty when imported from other sources. This anomaly in our tariff schedule—this tariff ''inversion''—puts domestic manufacturers of wool suits at a significant disadvantage.

Senators SCHUMER, DURBIN, HAGEL, MIKULSKI, SPECTER, NICKLES, FITZGERALD, SANTORUM, GRAMM, and THOMPSON have joined me in sponsoring a very modest measure that would provide temporary relief to the suit-makers. We have proposed that the tariff on the very finest wool fabric—produced in only limited quantities in the United States—be suspended for a short period, and that the tariff on other classes of fine wool fabric be reduced to 19.8%—hardly a negligible tariff. This was an effort to provide some relief to our suit makers.

Through the good offices of the Chairman of the Finance Committee, we undertook to address the concerns that has been raised when our bill was first introduced. After a series of meetings with all of the interested parties—and there are many—we modified our proposal to address, in a constructive way, the concerns that were raised.

Our first compromise proposal was rejected out of hand. No counterproposal was forthcoming. The objection stems chiefly from two sources: a fabric manufacturer that is not currently producing the fine wool fabric at issue—but promises to do so in the future, principally from a plant it is building in Mexico; and from the American Sheep Industry Association—this despite the fact that wool of the quality required for suit fabric is sourced overwhelmingly from Australia.

I am at a loss to explain the vehemence of the opposition. The fabric producer that so strongly opposes this legislation—Burlington Industries—is positioning itself to compete in the global market. As it ought to do.

On January 26, 1999, the company announced a major reorganization. To quote, ''operations will be streamlined and U.S. capacity will be reduced by 25%.'' Let me repeat: ''U.S. capacity will be reduced by 25%.'' The company announced that 2900 jobs would be eliminated, an announcement made just one month after the company reported to its shareholders—on December 2, 1998, that ''we have launched a major growth initiative in Mexico.''

There followed an announcement to its customers that the fine wool fabric used to manufacture men's suits—so called ''fancies''—would not be available for a time.

Even so, we cannot get agreement on tariff relief for our suit makers, who have greater need than ever for imported fabric. They must still pay a 31% tariff on imported fine wool fabric. We ought to enable them to remain competitive, just as Burlington has taken steps to remain competitive.

We have kept at it. In recent days, our efforts have intensified. With a great deal of good will on the part of all interested parties, it appears that we may be inching toward an agreement that would, in fact, benefit all parties in some measure.

We have included a place-holder in the trade legislation—not a solution to the wool tariffs problem, but a provision that will allow our discussions to continue over the next several days.

I do thank the chairman and his staff—particularly Grant Aldonas—for their efforts, as well as the considerable interest and attention of Senators DURBIN, SCHUMER, and BAUCUS, all of whom are eager, as am I, to work this out. I intend to continue to work with our chairman and with others to resolve this matter.

PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, the issue of prescription drugs for the Nation's senior citizens is back in the headlines this morning with yet another study having been published that millions of senior citizens in America cannot afford their prescriptions.

This is the 12th time I have come to the floor in recent days to talk about this issue because I think it is so critical that the Senate act in a bipartisan way to deal with what are clearly the great out-of-pocket costs for the Nation's older people. Specifically, as this poster next to me says, I have been urging senior citizens to send in copies of their prescription drug bills to each of us in the Senate in Washington, DC.

The reason I hope we will hear from seniors around the country is there is one bipartisan bill, one that is before the Senate now, to deal with this question of prescription needs for seniors. It is the bill on which Senator OLYMPIA SNOWE and I have teamed up in recent months, and 54 Members of this body, the majority, have already voted for the funding plan that is laid out in the Snowe-Wyden legislation. So we have 54 Members of the Senate on record as supporting a specific plan to cover prescription drugs for the Nation's older people.

The model in the Snowe-Wyden legislation is something that every Member of the Senate is familiar with because it is the model we have for health care for ourselves and our families. The

Snowe-Wyden legislation is called SPICE, the Senior Prescription Insurance Coverage Equity Act. It would ensure that seniors would get their medicine at an affordable rate because our bill would allow them the bargaining power that big organizations, big purchasers such as the health maintenance organizations would have.

The tragedy today with respect to our Nation's seniors and prescriptions is they get shellacked twice; first, because Medicare does not cover prescriptions. When the program began in 1965, it did not cover prescriptions initially. Second, because the big buyers, the health maintenance organizations and the other big purchasers, are able to use their clout in the marketplace, those folks can get a discount and a senior citizen in rural Oregon or rural New Mexico or another part of this country in effect has to subsidize with their dollars the break the large organizations are getting.

Frankly, there are other ideas for dealing with this issue. Colleagues on both sides of the aisle have them. What I am trying to do to support the Snowe-Wyden bipartisan legislation is to come to the floor and, as this poster says, ask our seniors to send copies of their prescription drug bills directly to us in the Senate in Washington. I am going to, as I have done on 11 previous occasions recently, actually read from some of these bills so we can make the case for how urgent this need is.

For example, I recently received a letter from a woman in Portland who described to me what she and her husband are facing with respect to their prescription drug costs. This couple in Portland has a combined income of about $1,500 a month. She spends, from that $1,500-a-month income, $230 on prescription drugs and he spends about $180 a month. So the two of them, an elderly couple in Portland, are spending more than $400 a month on prescription drugs. They are spending upwards of $4,000 a year on their prescription medicine and, as they reported to me, they have no insurance to cover these costs.

This morning in Washington we saw, again, more press conferences on this issue. I guess we can go day after day having dueling press conferences with respect to this issue of prescription drugs. We can have a lot of finger pointing, we can have a lot of bickering, a lot of quarreling about how serious the problem is and what to do about it, but there is one bipartisan bill that uses marketplace forces to try to deal with this issue. The Snowe-Wyden legislation steers clear of price controls. We do not have a Federal regime for handling this benefit. It is not one-size-fits-all Federal policy. It uses marketplace forces to make sure seniors have choices and options and alternatives for their prescription medicines. It is based on a model that all of us are pretty familiar with because we utilize the Federal Employees Health Benefits Plan.

I want to go through a couple more of these cases. I know the distinguished Senator from Louisiana is here to speak on an important matter, as are other colleagues. But I do, as part of this effort, want to highlight with these specific cases some of what we are seeing all across this country as seniors walk this economic tightrope, balancing their food costs against their fuel costs, and their fuel costs against their medical bills and find themselves, again and again, not in a position to pay for their prescriptions.

I received another letter in the last few days from a senior citizen in Oregon. She is on seven prescriptions. She has heart disease; she has high blood pressure and diabetes. She and her husband exist on Social Security and a tiny disability check. They get a couple of thousand dollars a month maximum in their income. Every month, they spend at least $300 of it on prescription drugs. That is just the wife in the household. Her husband has to spend additionally on prescription drugs. This particular elderly person wrote and said if it were not for the free samples that she was getting from her physician, she simply could not meet her expenses.

Another letter I received described a senior taking five prescription drugs. She has high blood pressure and high thyroid. She has an income of a little under $1,000 a month. She spends about $100 a month on prescription drugs. And she wrote me:

I am lucky that my kids will give me a hand when I have difficulty in affording my prescriptions.

As part of this effort to have the Senate deal with this urgent need for older people in a bipartisan way, I would like to see the Senate consider the one bipartisan bill before us now, the Snowe-Wyden legislation. But I am sure colleagues have other ideas, and I think if we will listen to the senior citizens of this country who are sending me and our colleagues copies of these bills—as the poster says, ''Send in copies of prescription drug bills directly to us here in the Senate''—we can help the Senate deal with this issue on a bipartisan basis.

I am going to wrap up this afternoon with a question I hope a lot of colleagues are asking with respect to prescription drug coverage: Can our Nation afford to cover prescription drug costs of older people? My answer to that is: I believe we cannot afford not to ensure that our seniors get this coverage. I want to cite an example before I wrap up.

Last week, I talked about the evidence we are seeing with the new anticoagulant drugs. These are important drugs that can help seniors prevent strokes and debilitating illnesses. As a result of seniors taking these medicines, which cost about $1,000 a year, there is documented medical evidence now that these drugs can help prevent strokes, which cost upwards of $100,000 a year. So think about the investment, the wise investment—not just from a health standpoint, not just from the standpoint of trying to make sure our seniors get a fair shake but purely from a financial standpoint—the benefit of having seniors get prescription drug coverage, getting, for example, these anticoagulant drugs that cost about $1,000 a year, and seeing a savings as a result of the older person not having a stroke, of that person not incurring $100,000 in expenses that would be involved in treating the stroke.

I was director of the Gray Panthers at home for about 7 years before I was elected to the Congress. Prescription drugs were important then. You would always hear from seniors that they want this coverage. But the prescriptions today are even more important because they can help keep seniors well. Prescriptions today, helping to lower blood pressure, helping lower cholesterol, are drugs that are going to help us hold costs down for the Medicare program.

As we all know, Medicare Part A, the hospital portion, the institutional portion of the program is particularly expensive, and these drugs today, if we can get decent Medicare coverage for the Nation's older people, will help us save some of the money that would otherwise be spent under Part A of the program when seniors incur these debilitating illnesses.

I intend, as I have done now on 12 occasions, to keep coming to the floor to urge seniors to send in copies of their prescription drug bills directly to us in the Senate in hopes we can get bipartisan action. I am very proud that the Snowe-Wyden funding plan got 54 votes, a majority of votes in the Senate already for going forward with a specific plan to fund this program, but I am sure colleagues have other ideas.

The distinguished chairman of the Finance Committee is here. He has been very involved in the question of Medicare. I was very honored when Senator MOYNIHAN, last week, spoke favorably about the SPICE legislation we have introduced. Colleagues have plenty of ideas on how to deal with it, but what is important is we go forward in a bipartisan way and not wait until after another election which is literally a year away.

In the hope the Senate will act in a bipartisan way, I intend to keep coming back to the floor to discuss this issue.

I yield the floor.

Ms. LANDRIEU. Mr. President, I thank the Senator from Oregon for his terrific statement and his terrific work with our colleague from Maine on a very important piece of legislation. The President has said time and again, as have most of us, as the Senator from Oregon has pointed out, that we would never even think of designing a Medicare program today without having prescription drug coverage. It would be unthinkable, particularly because of the advances in science and technology which, at a minimal cost, help keep

people well and out of hospitals and out of difficulty and pain and suffering. It would be cost-effective to the taxpayer.

I thank him and commit to him my intention to continue to work with him and with many Members on both sides of the aisle until we can resolve this problem and answer the legitimate needs and requests of our seniors in America.

BANKRUPTCY JUDGES

Mr. ROTH. Mr. President, the Delaware bankruptcy court has come to fully understand the old adage that ''the reward for a job well done is more work''. Long recognized as one of the nation's quickest, most innovative and fairest, The Delaware corporate bankruptcy court's caseload has grown to the point that at least one additional judge is necessary. I want to commend a number of my congressional colleagues for joining with me to address this situation.

Yesterday, Senator GRASSLEY and Representative GEKAS held a joint hearing on the need for additional bankruptcy judges. Representative MIKE CASTLE was among those who testified at this hearing, and I understand he eloquently elaborated on Delaware's status as the busiest bankruptcy venue per judge in the nation.

Simply put, more capable judges are needed to tend to corporate bankruptcy cases in Delaware and a select number of other states. Realizing this, Senator PAUL COVERDELL has introduced S. 1830, to provide for the appointment of additional temporary bankruptcy judges. I, along with Senator BIDEN and a number of other Senators, have cosponsored this vital proposal.

I commend my fellow sponsors of this legislation as well as the chairmen of the subcommittees of jurisdiction for holding yesterday's hearing. I look forward to working with them on this important matter in the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, November 2, 1999, the Federal debt stood at $5,668,409,010,147.10 (Five trillion, six hundred sixty-eight billion, four hundred nine million, ten thousand, one hundred forty-seven dollars and ten cents).

One year ago, November 2, 1998, the Federal debt stood at $5,539,037,000,000 (Five trillion, five hundred thirty-nine billion, thirty-seven million).

Five years ago, November 2, 1994, the Federal debt stood at $4,730,361,000,000 (Four trillion, seven hundred thirty billion, three hundred sixty-one million).

Ten years ago, November 2, 1989, the Federal debt stood at $2,864,778,000,000 (Two trillion, eight hundred sixty-four billion, seven hundred seventy-eight million).

Fifteen years ago, November 2, 1984, the Federal debt stood at $1,619,801,000,000 (One trillion, six hundred nineteen billion, eight hundred one million) which reflects a debt increase of more than $4 trillion—$4,048,608,010,147.10 (Four trillion, forty-eight billion, six hundred eight million, ten thousand, one hundred forty-seven dollars and ten cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND AUSTRALIA CONCERNING TECHNOLOGY FOR THE SEPARATION OF ISOTOPES OF URANIUM BY LASER EXCITATION—MESSAGE FROM THE PRESIDENT—PM 70

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the United States of America and Australia Concerning Technology for the Separation of Isotopes of Uranium by Laser Excitation, with accompanying annexes and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of Central Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the Agreement and the views of the Nuclear Regulatory Commission, is also enclosed.

A U.S. company and an Australian company have entered into a contract jointly to develop and evaluate the commercial potential of a particular uranium enrichment process (known as the ''SILEX'' process) invented by the Australian company. If the commercial viability of the process is demonstrated, the U.S. company may adopt it to enrich uranium for sale to U.S. and foreign utilities for use as reactor fuel.

Research on and development of the new enrichment process may require transfer from the United States to Australia of technology controlled by the United States as sensitive nuclear technology or Restricted Data. Australia exercises similar controls on the transfer of such technology outside Australia. There is currently in force an Agreement Between the United States of America and Australia Concerning Peaceful Uses of Nuclear Energy, signed at Canberra July 5, 1979 (the ''1979 Agreement''). However, the 1979 Agreement does not permit transfers of sensitive nuclear technology and Restricted Data between the parties unless specifically provided for by an amendment or by a separate agreement.

Accordingly, the United States and Australia have negotiated, as a complement to the 1979 Agreement, a specialized agreement for peaceful nuclear cooperation to provide the necessary legal basis for transfer of the relevant technology between the two countries for peaceful purposes.

The proposed Agreement provides for cooperation between the parties and authorized persons within their respective jurisdictions in research on and development of the SILEX process (the particular process for the separation of isotopes of uranium by laser excitation). The Agreement permits the transfer for peaceful purposes from Australia to the United States and from the United States to Australia, subject to the nonproliferation conditions and controls set forth in the Agreement, of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities, to the extent that these relate to the SILEX technology.

The nonproliferation conditions and controls required by the Agreement are the standard conditions and controls required by section 123 of the Atomic Energy Act, as amended by the Nuclear Non—Proliferation Act of 1978 (NNPA), for all new U.S. agreements for peaceful nuclear cooperation. These include safeguards, a guarantee of no explosive or military use, a guarantee of adequate physical protection, and rights to approve re-transfers, enrichment, reprocessing, other alterations in form or content, and storage. The Agreement contains additional detailed provisions for the protection of sensitive nuclear technology, Restricted Data, sensitive nuclear facilities, and major critical components of such facilities transferred pursuant to it.

Material, facilities, and technology subject to the Agreement may not be used to produce highly enriched uranium without further agreement of the parties.

The Agreement also provides that cooperation under it within the territory of Australia will be limited to research on and development of SILEX technology, and will not be for the purpose of constructing a uranium enrichment facility in Australia unless provided for by an amendment to the Agreement. The United States would treat any such amendment as a new agreement pursuant to section 123 of the Atomic Energy Act, including the requirement for congressional review.

Australia is in the forefront of nations supporting international efforts to prevent the spread of nuclear weapons to additional countries. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope safeguards to its nuclear program. It subscribes to the Nuclear Supplier Group (NSG) Guidelines, which set forth standards for the responsible export of nuclear commodities for peaceful use, and to the Zangger (NPT Exporters) Committee Guidelines, which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. In addition, Australia is a party to the Convention on the Physical Protection of Nuclear Material, whereby it has agreed to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control.

The proposed Agreement with Australia has been negotiated in accordance with the Atomic Energy Act of 1954, as amended, and other applicable law. In my judgment, it meets all statutory requirements and will advance the nonproliferation, foreign policy, and commercial interests of the United States.

A consideration in interagency deliberations on the Agreement was the potential consequences of the Agreement for U.S. military needs. If SILEX technology is successfully developed and becomes operational, then all material produced by and through this technology would be precluded from use in the U.S. nuclear weapons and naval nuclear propulsion programs. Furthermore, all other military uses of this material, such as tritium production and material testing, would also not be possible because of the assurances given to the Government of Australia. Yet, to ensure the enduring ability of the United States to meet its common defense and security needs, the United States must maintain its military nuclear capabilities. Recognizing this requirement and the restrictions being placed on the SILEX technology, the Department of Energy will monitor closely the development of SILEX but ensure that alternative uranium enrichment technologies are available to meet the requirements for national security.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this Agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House International Relations Committee as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 3, 1999.*

MESSAGE FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Hanarahan, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 170. An act to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

H.R. 1801. An act to make technical corrections to various antitrust laws and to references to such laws.

H.R. 2513. An act to direct the Administrator of General Services to acquire a building located in Terre Haute, Indiana, and for other purposes.

H.R. 3137. An act to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President.

H.R. 3164. An act to provide for the imposition of economic sanctions on certain foreign persons engaging in, or otherwise involved in, international narcotics trafficking.

H.J. Res. 46. Joint resolution conferring status as a honorary veteran of the United States Armed Forces on Zachary Fisher.

The message also announced that the House has agreed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress relating to the recent allegations of espionage and illegal campaign financing that have brought into question the loyalty and probity of Americans of Asian ancestry.

H. Con. Res. 193. Concurrent resolution expressing the support of Congress for activities to increase public participation in the decennial census.

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality.

H. Con. Res. 213. Concurrent resolution encouraging the Secretary of Education to promote, and State and local educational agencies to incorporate in their educational programs, financial literacy training.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 468. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirement, and improve the delivery of services to the public.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 441) to amend the Immigration and Nationality Act with respect to the requirement for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

The message further announced that pursuant to section 491 of the Higher Education Act of 1965 (20 U.S.C. 1098(c)), and upon the recommendation of the Majority Leader, the Speaker appoints the following member on the part of the House to the advisory Committee on Student Financial Assistance for a 3 year term to fill the existing vacancy thereon: Ms. Judith Flink of Illinois

ENROLLED BILL SIGNED

At 11:50 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL SIGNED

At 5:12 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed

the following, in which it requests the concurrence of the Senate:

H.R. 3194. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes'', and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints.

The following Members as the managers of the conference on the part of the House:

From the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, Mr. SHADEGG, Mr. DINGELL, and Mr. PALLONE.

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, Mrs. JOHNSON of Connecticut, Mr. RANGEL, and Mr. STARK: *Provided*, That MCCRERY is appointed in lieu of Mrs. JOHNSON of Connecticut for consideration of title XIV of the House bill and sections 102, 111(b) and 304 and title II of the Senate amendment.

From the Committee on Education and the Workforce, for consideration of the House bill, and the Senate amendment, Mr. BOEHNER, Mr. TALENT, Mr. FLETCHER, Mr. CLAY, and Mr. ANDREWS.

As additional conferees from the Committee on Government Reform, for consideration of section 503 of the Senate amendment, and modifications committed to conference: Mr. BURTON of Indiana, Mr. SCARBOROUGH, and Mr. WAXMAN.

As additional conferees for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. GOSS and Mr. BERRY.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 1883. An act to provide the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 1477. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes.

H.R. 1794. A bill concerning the participation of Taiwan in the World Health Organization (WHO).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 208. A resolution expressing the sense of the Senate regarding United States policy toward the North Atlantic Treaty Organization and the European Union, in light of the Alliance's April 1999 Washington Summit and the European Union's June 1999 Cologne Summit.

S. Res. 209. A resolution expressing concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 923. A bill to promote full equality at the United Nations for Israel.

S. Con. Res. 30. A concurrent resolution recognizing the sacrifice and dedication of members of America's non-governmental organizations and private volunteer organizations throughout their history and specifically in answer to their courageous response to recent disasters in Central America and Kosovo.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 68. An original concurrent resolution expressing the sense of Congress on the occasion of the 10th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and reaffirming trends of friendship and cooperation between the United States and the Czech and Slovak Republics.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. JEFFORDS for the Committee on Health, Education, Labor, and Pensions:

Stephen Hadley, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Charles Richard Barnes, of Georgia, to be Federal Mediation and Conciliation Director.

Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2004. (Reappointment)

A. Lee Fritschler, of Pennsylvania, to be Assistant Secretary for Postsecondary Education, Department of Education.

Irasema Garza, of Maryland, to be Director of the Women's Bureau, Department of Labor.

T. Michael Kerr, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor.

Anthony Musick, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

Amy C. Achor, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003.

Linda Lee Aaker, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Edward L. Ayers, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Pedro G. Castillo, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Peggy Whitman Prenshaw, of Louisiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Theodore William Striggles, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Ira Berlin, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Evelyn Edson, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 105–55: Tax Convention With Estonia (Exec. Report 106–3).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Republic of Estonia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998 (Treaty Doc. 105–55), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–56: Tax Convention With Lithuania (Exec. Report 106–4).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Republic of Lithuania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998 (Treaty Doc. 105–56), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–57: Tax Convention With Latvia (Exec. Report 106–5).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Republic of Latvia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998 (Treaty Doc. 105–57), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advise and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–3: Tax Convention With Venezuela (Exec. Report 106–6).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Republic of Venezuela for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with a Protocol, signed at Caracas on January 25, 1999 (Treaty Doc. 106–3), subject to the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understandings, which shall be included in the instrument of ratification, and shall be binding on the President.

(1) PREVENTION OF DOUBLE EXEMPTION.—Where under Article 7 (Business profits) or Article 14 (Independent Personal Services) of this Convention income is relieved from tax in one Contracting State and, under the law in force in the other Contracting State a person is not subject to tax in that other Contracting State in respect of such income, then the relief to be allowed under this Convention in the first-mentioned Contracting State shall apply only to so much of the income as is subject to tax in the other contracting State. This understanding shall cease to have effect when the provisions of Venezuela's Law Amending the Income Tax Law (hereinafter the ''new Venezuelan tax law''), relating to the implementation of a worldwide tax system in replacement of Venezuela's current territorial tax system, are effective in accordance with the provisions of such new Venezuelan tax law.

(2) VENEZUELAN BRANCH PROFITS TAX.—The United States understands that the reference to an ''additional tax'' in Article 11A of the Convention includes the tax that may be imposed by Venezuela (the ''Venezuelan Branch Tax'') pursuant to the relevant provisions of the new Venezuelan tax law. In addition, the United States understands that the limit imposed under Article 11A of the Convention shall apply with respect to the Venezuelan Branch Tax and that for purposes of that article, the Venezuelan Branch Tax shall be imposed only on an amount not in excess of the amount that is analogous to the ''dividend equivalent amount'' defined in subparagraph (a) of paragraph 10 of the Protocol with respect to the United States.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) NEW VENEZUELAN TAX LAW.—Before the President may notify Venezuela pursuant to Article 29 of the Constitution that the United States has completed the required ratification procedures, he shall certify to the Committee on Foreign Relations that:

(i) the new Venezuelan tax law has been enacted in accordance with Venezuelan law;

(ii) the Department of Treasury, in consultation with the Department of State, has thoroughly examined the new Venezuelan tax law; and

(iii) the new Venezuelan tax law is fully consistent with and appropriate to the obligations under the Convention.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–9: Tax Convention With Slovenia (Exec. Report 106–7).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein). That the Senate advise and consent to the ratification of the Convention between the United States of America and the Republic of Slovenia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Ljubljana on June 21, 1999 (Treaty Doc. 106–9), subject to the reservation of subsection (a), the understanding of subsection (b), the declaration of subsection (c), and the proviso of subsection (d).

(a) RESERVATION.—The Senate's advice and consent is subject to the following reservation, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) MAIN PURPOSES TESTS.—Paragraph 10 of Article 10 (Dividends), paragraph 10 of Article 11 (Interest), paragraph 7 of article 12 (Royalties), paragraph 3 of Article 21 (Other Income), and subparagraph (g) of paragraph 3 of Article 25 (Mutual Agreement Procedure) of the Convention shall be stricken in their entirety.

(b) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) EXCHANGE OF INFORMATION.—The United States understands that, pursuant to Article 26 of the Convention, both the competent authority of the United States and the competent authority of the Republic of Slovenia have the authority to obtain and provide information held by financial institutions, nominees or persons acting in an agency or fiduciary capacity, or respecting interests in a person.

(c) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(d) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United Stats as interpreted by the United States.

Treaty Doc. 106–11: Tax Convention With Italy (Exec. Report 106–8).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Italian Republic for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of

Fraud or Fiscal Evasion, signed at Washington on August 25, 1999, together with a Protocol (Treaty Doc. 106–11), subject to the reservation of subsection (a), the understanding of subsection (b), the declaration of subsection (c), and the proviso of subsection (d).

(a) RESERVATION.—The Senate's advice and consent is subject to the following reservation, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) MAIN PURPOSE TESTS.—Paragraph 10 of Article 10 (Dividends), paragraph 9 of Article 11 (Interest), paragraph 8 of Article 12 (Royalties), and paragraph 3 of Article 22 (Other Income) of the Convention, and paragraph 19 of Article 1 of the Protocol (dealing with Article 25 (Mutual Agreement Procedure) of the Convention) shall be stricken in their entirety, and paragraph 20 of Article 1 of the Protocol shall be renumbered as paragraph 19.

(b) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) EXCHANGE OF INFORMATION.—The United States understands that, pursuant to Article 26 of the Convention, both the competent authority of the United States and the competent authority of the Republic of Italy have the authority to obtain and provide information held by financial institutions, nominees or persons acting in an agency or fiduciary capacity, or respecting interests in a person.

(c) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(d) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–12: Tax Convention With Denmark (Exec. Report 106–9).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on August 19, 1999, together with a Protocol (Treaty Doc. 106–12), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(b) SUPREMACY OF CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–13: Protocol Amending Tax Convention with Germany (Exec. Report 106–10).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation with Respect to Taxes on Estates, Inheritances, and Gifts signed at Bonn on December 3, 1980, signed at Washington on December 14, 1998 (Treaty Doc. 106–13), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Protocol requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–15: Amending Convention with Ireland (Exec. Report 106–11)

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Amending the Convention between the Government of the United States of America and the Government of Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains, signed at Dublin on July 28, 1997 (the Amending Convention was signed at Washington on September 24, 1999) (Treaty Doc. 106–15), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) SUPREMACY OF CONSTITUTION.—Nothing in the Amending Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–5: Convention (No. 182) for Elimination of the Worst Forms of Child Labor (Exec. Report 106–12).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Conference at its 87th Session in Geneva on June 17, 1999 (Treaty Doc. 106–5), subject to the understandings of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understandings, which shall be included in the instrument of ratification:

(1) CHILDREN WORKING ON FARMS.—The United States understands that Article 3(d) of Convention 182 does not encompass situations in which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such parent or person, nor does it change, or is it intended to lead to a change in the agricultural employment provisions or any other provision of the Fair Labor Standards Act in the United States.

(2) BASIC EDUCATION.—The United States understands that the term ''basic education'' in Article 7 of Convention 182 means primary education plus one year: eight or nine years of schooling, based on curriculum and not age.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–2: Extradition Treaty With Korea (Exec. Report 106–13).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of

the United States of America and the Government of Republic of Korea, signed at Washington on June 9, 1998 (Treaty Doc. 106–2), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

(1) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 15 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of Korea by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 1846. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; to the Committee on Governmental Affairs.

S. 1847. A bill to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcom Dymally Post Office Building''; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 1848. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. ROTH):

S. 1849. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 1850. A bill to amend section 222 of the Communications Act of 1934 to modify the requirements relating to the use and disclosure of customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself, Mr. LOTT, Mr. COCHRAN, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 218. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued recognizing the 4-H Youth Development Program's centennial; to the Committee on Governmental Affairs.

By Mr. FITZGERALD (for himself, Mr. DURBIN, Mr. LOTT, Mr. COCHRAN, and Mr. HELMS):

S. Res. 219. A resolution recognizing and honoring Walter Jerry Payton and expressing the condolences of the Senate to his family on his death; considered and agreed to.

By Mr. HELMS:

S. Con. Res. 68. An original concurrent resolution expressing the sense of Congress on the occasion of the 10th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and reaffirming the bonds of friendship and cooperation between the United States and the Czech and Slovak Republics; from the Committee on Foreign Relations; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 1846. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; to the Committee on Governmental Affairs.

REDESIGNATION OF THE WATTS FINANCE OFFICE BUILDING AS THE AUGUSTUS F. HAWKINS POST OFFICE BUILDING

● Mrs. BOXER. Mr. President, today, I am introducing legislation to pay tribute to a former colleague of mine and a fellow Californian, former Congressman Augustus F. Hawkins, by renaming the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, currently known as the Watts Finance Office, as the Augustus F. Hawkins Post Office Building.

Gus Hawkins was born in Shreveport, Louisiana in 1907. His family moved to Los Angeles when he was 11 to escape the racial discrimination that was prevalent in the South at that time. This experience made him a passionate advocate of racial justice and social equality, and he committed his life to the service of others.

His efforts began in the California Assembly where he passed the state's first law against discrimination in housing and employment. Building on that success, he passed other important legislation concerning minimum wages for women, child care centers, workers' compensation for domestic employees, and the removal of racial designations on state documents.

In 1962, Gus was elected to the United States House of Representatives. During his 28 years in office, he served on the Committee on House Administration, and served as Chairman for both the Joint Committee on Printing and the Committee on Education and Labor. He authored more than 17 federal laws dealing with civil rights, educational improvements, job training and employment opportunities. He fought tirelessly for the rights of children, the poor, the disabled, the elderly, and minorities.

Throughout his distinguished career, Gus was recognized as a hardworking man of integrity who cared little for personal accolades while concentrating on the issues affecting his constituents. He has continually pursued fairness and opportunity for all.

Designating the Watts Finance Office Building as the Augustus F. Hawkins Post Office Building is an honor befitting his 56 years of service to his community and to the State of California.●

By Mrs. BOXER:

S. 1847. A bill to redesignate the Federal building located at 701 South Sante Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building''; to the Committee on Governmental Affairs.

REDESIGNATION OF THE COMPTON MAIN POST OFFICE AS THE MERVYN DYMALLY POST OFFICE BUILDING

● Mrs. BOXER. Mr. President, today, I am introducing legislation to pay tribute to a former colleague of mine and a fellow Californian, former Congressman Mervyn Malcolm Dymally, by renaming the post office located at 701 South Santa Fe Avenue in Compton, California, currently known as the Compton Main Post Office, as the Mervyn Dymally Post Office Building.

Mr. Dymally came to this country in 1945 from Cedros, Trinidad, British West Indies. In 1960, he began his political career by working as a field coordinator for John F. Kennedy during the Presidential campaign. Mr. Dymally's own service as an elected official began when he was elected to the California State Assembly in 1963 and then to the State Senate in 1967, where he served for eight years. Next, he was elected Lieutenant Governor of the State of California and was the State's highest ranking black elected official.

Building on a career of political success, Mervyn Dymally was elected to the United States House of Representatives in 1981. During his six terms in office, he served on several committees, including the Post Office and Civil Service Committee; the Committee on the District of Columbia, where he chaired its Subcommittee on Judiciary and Education; and the House Committee on Foreign Affairs, where he was the Chair of the Subcommittee on International Operations.

As the Chairman of the Subcommittee on Africa, Mr. Dymally's passion became immediately evident when he visited 20 African countries in his first year. He worked tirelessly to raise awareness of the plight of Africans and to monitor U.S. assistance levels to African and Caribbean nations. Throughout his distinguished career, he was recognized for his leadership in humanitarian efforts.

Since retirement from Congress in 1992, Mr. Dymally is busier than ever. He serves as President of the Grace Home for Waiting Children and as Chairman of the Caribbean Action Lobby. In addition, he is the President of a consulting firm and a Professor at the Central State University in Ohio. He still travels frequently, serving as Honorary Consul to the Republic of Benin, West Africa and Vice President of the Pacific Century Institute.

Designating the Compton Main Post Office as the Mervyn Dymally Post Office Building is an honor befitting his service to his community and to the State of California.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1847

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the ''Mervyn Malcolm Dymally Post Office Building''.

SEC. 2. REFERENCES.

Any reference document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Mervyn Malcolm Dymally Post Office Building.

By Mr. CAMPBELL:

S. 1848. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Energy and Natural Resources.

THE DENVER WATER REUSE PROJECT AUTHORIZATION

Mr. CAMPBELL. Mr. President, I take the time today to reintroduce a bill that will help millions of water consumers throughout my state. This bill is based on S. 2140, legislation I introduced last year, which passed out of the full Senate.

The Denver Water Department has developed a unique plan to re-use nonpotable water for irrigation and industrial uses. In the arid West, where growing populations and changing values are place increasing demands on existing water supplies, water and availability remain important issues. Recent conflicts are particularly apparent in the West where agricultural needs for water are often in direct conflict with urban needs. This legislation will help remedy some of this conflict.

This bill authorizes the Denver Water Department to access federal funds to assist in the implementation of this plan. The State of Colorado, the Colorado Water Congress, the Denver Board of Water Commissioners, and the Mayor of Denver have fully endorsed this legislation. I am pleased to assist these interested parties with this worthwhile proposal.

The Denver Water Department serves over a million customers and is the largest water supplier in the Rocky Mountain region. Over the past several years Denver Water has developed a plan to treat and re-use some of its water supply for uses not involving human consumption, such as irrigation and industrial purposes. In this manner, Denver will stretch its water supply without the cost and potential environmental disruption of building new reservoirs. It will also ease the demand on fresh drinking-quality water supplies.

The Denver Nonpotable Reuse Project will treat secondary wastewater, that is water which has already been used once in Denver's system. It is an environmentally and economically viable method for extending and conserving our limited water supplies. The water quality will meet all Colorado and federal standards. The water will still be clean and odorless, but since it will be used for irrigation and industrial uses around the Denver International Airport and the Rocky Mountain Wildlife Refuge, the additional expense to treat it for drinking will be avoided.

The nonpotable project will be constructed in three phases and ultimately will result in an additional useable water supply of 15,000 acre feet. The use of the nonpotable water for irrigation and industrial customers will make potable water supplies available for up to 30,000 homes.

Construction will include a treatment plant and a distribution system that is separate from the potable water system. Phase I will serve customers in the vicinity of the reuse plant, including a Public Service Company power plant, other industrial users and other public areas. Phase II will add irrigation for parks and golf courses in the former Stapleton Airport and the recently closed Lowry Air Force Base redevelopment areas. The Rocky Mountain Arsenal, which is being converted to a national wildlife refuge, will also use the reuse water to maintain lake levels on-site and to provide water for wildlife habitats. Phase III will serve existing parks as well as new development of a commercial corridor leading to the Denver International Airport. With the construction of Phase II, the irrigation, heating and cooling, and car washing facilities at Denver International Airport will convert to reuse water, where a dual distribution system has already been installed.

In the West, naturally scarce water supplies and increasing urban populations have furthered our need for water reuse, recycling, conservation, and storage proposals which are the keys to successfully meet the water needs of everyone. This plan would benefit many Coloradans, and would help relieve many of the water burdens faced in the Denver region. Again, I'd like to thank the interested parties for their support, and I am hopeful this bill can be quickly passed and put into effect.

I ask unanimous consent that the bill and copies of letters of support from the Colorado Department of Natural Resources, the Colorado Water Congress, the Denver Board of Water Commissioners, and the Mayor of Denver be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENVER WATER REUSE PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating sections 1631, 1632, 1633, and 1634 (43 U.S.C. 390h–13, 390h–14, 390h–15, 390h–16) as sections 1632, 1633, 1634, and 1635, respectively; and

(2) by inserting after section 1630 the following:

''SEC. 1631. DENVER WATER REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and

local authorities, may participate in the design, planning, and construction of the Denver Water Reuse project to reclaim and reuse water in the service area of the Denver Water Department of the city and county of Denver, Colorado.

''(b) COST SHARE.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the project described in subsection (a).''.

(b) CONFORMING AMENDMENTS.—

(1) The Reclamation Wastewater and Groundwater Study and Facilities Act (as amended by subsection (a)(1)) is amended—

(A) in section 1632(a), by striking ''1630'' and inserting ''1631'';

(B) in section 1633(c), by striking ''section 1633'' and inserting ''section 1634''; and

(C) in section 1634, by striking ''section 1632'' and inserting ''section 1633''.

(2) The table of contents in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by striking the items relating to sections 1631 through 1634 and inserting the following:

''Sec. 1631. Denver water reuse project.
''Sec. 1632. Authorization of appropriations.
''Sec. 1633. Groundwater study.
''Sec. 1634. Authorization of appropriations.
''Sec. 1635. Willow Lake natural treatment system project.''.

OFFICE OF THE EXECUTIVE DIRECTOR,
DEPARTMENT OF NATURAL RESOURCES,
Denver, CO, November 1, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: I am writing to support the inclusion of the Denver Water Nonpotable Reuse Project on the Title XVI authorizing list. Inclusion of this project recognizes the importance of creative procedures to meet future water needs for metropolitan Denver. As it becomes more and more difficult to provide water supplies for a rapidly growing metropolitan area, innovative projects such as reuse and conjunctive use must supplant existing capacity. Denver Water's reuse plant will produce over 1,000 acre feet of usable water supply by treatment of effluent for industrial and irrigation purposes. The reuse water will be treated to attain important public health standards even for those limited purposes.

Resuse of water is valuable not only for Denver, but for other areas of Colorado. Reuse of water will delay the need to develop new water supplies from other water sources. This project has wide-spread support in Colorado. Your efforts to see Denver Water's Nonpotable Reuse Project listed as a Bureau of Reclamation approved project are appreciated. Thank you for your consideration.

Sincerely,

GREG WALCHER,
Executive Director.

COLORADO WATER CONGRESS,
Denver, CO, October 25, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: As you well know, the chronic water shortages in Colorado have forced Colorado Water supply agencies to develop water in new and ingenious ways. One of the best water projects being planned is Denver Water's Nonpotable Reuse Project that will take water already used, treat it and deliver it for industrial and irrigation supply. This project will supply about 15% of Denver's anticipated water shortfall without building a new reservoir, without tremendous federal compliance costs, and without a new transbasin diversion.

The Water Congress has members throughout the state of Colorado; and I know of no opposition to this project. I understand you are trying to get the project listed pursuant to Title XVI of the Bureau of Reclamation approved reuse projects list. You have the support of the Colorado Water Congress. Thank you for your consideration in this endeavor.

Sincerely,

RICHARD D. MACRAVEY,
Executive Director.

DENVER BOARD OF
WATER COMMISSIONERS,
Denver, CO, October 27, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: I appreciate your support and sponsorship of the bill that adds the Denver Nonpotable Reuse Project to Public Law 102–575 Title XVI, the U.S. Bureau of Reclamation's authorized list. This project allows us to conserve potable water sources and helps us to defer importation of water from the Western Slope. As I think you know, we are only seeking authorization, not federal funding, for the Denver Reuse Project.

We are planning a project that will provide over 15,000 acre-feet of nonpotable supply. That, in turn, frees up enough treated water supply to provide for some 30,000 homes. It represents a substantial portion of the supply that will be needed for future demand in the Denver Water system as an expanding population strains our limited water resources. By reclaiming wastewater for irrigation and industrial use, we can serve growth in a way that is environmentally responsible and economic.

Please feel free to call upon us should you need further information or assistance.

Sincerely,

H.J. BARRY,
Manager.

CITY AND COUNTY OF DENVER,
CITY AND COUNTY BUILDING,
Denver, CO, November 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator,
Washington, DC.

DEAR SENATOR CAMPBELL: Once again, I want to express my appreciation for your support of legislation adding the Denver Water Non-potable Reuse Project to the Bureau of Reclamation's approved projects list.

We are proud to include non-potable reuse, coupled with water conservation and system refinements, as core components of the Denver Water 20-year plan. We certainly acknowledge the importance and value of our limited water resources throughout Colorado. Reuse efforts allow us to reduce or minimize the Denver metro area's demands on limited Colorado River sources.

Once again, thank you for your support.

Yours truly,

WELLINGTON, E. WEBB,
Mayor.

By Mr. BIDEN (for himself and Mr. ROTH):

S. 1849. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

THE WHITE CLAY CREEK WILD AND SCENIC RIVERS ACT

• Mr. BIDEN. Mr. President, today I am joined by Senator ROTH, in introducing a bill that would designate the White Clay Creek and its tributaries in Delaware and Pennsylvania as a unit of the National Wild and Scenic Rivers System.

It has been eight years since I introduced the bill authorizing the study of the White Clay Creek watershed, and thirty years since I began my efforts to protect this unique and valuable region from the over development and urban sprawl that are of increasing concern to all of us.

The White Clay Creek watershed is a truly remarkable environment, covering 107 square miles and draining over 69,000 acres in Delaware and Pennsylvania. Centrally located between the densely urbanized regions of New York and Washington, D.C., the White Clay Creek watershed is within a 2 hour drive of eight million people.

Its diversity of natural, historic, cultural and recreational resources, as detailed in the National Park Service's Resources and Issues Report in September of 1994, is extraordinary. The watershed is home to a wide variety of plant and animal life, archeological sites dating back to prehistoric times, a bi-state preserve and state park, and a source of drinking water for the region.

It became clear, early on, that these resources warranted the federal protection provided under the National Wild and Scenic Rivers System. With the introduction of my legislation today, we are entering the last major phase of seeing that protection become a reality.

Before I begin to speak on the particulars of today's legislation and the study process that got us to this point, I think it is important to note that while there are over 150 National Wild and Scenic Rivers across this nation, the White Clay Creek brings with it two distinctions: Specifically, it will be the first and only Wild and Scenic River in Delaware; and, it is the first and only river to be studied for designation on a watershed basis.

The study of the White Clay Creek for possible inclusion in the National Wild and Scenic Rivers System recently culminated with the release of a National Park Service study report in September of this year. The study process began in 1992, when Congress directed the National Park Service to convene a study task force consisting of state and local governments, community organizations, watershed residents and landowners within the White Clay Creek watershed.

As described in the study legislation, the duties of the task force were to evaluate the eligibility and suitability of the White Clay Creek and its tributaries, and to develop a management plan for the preservation and protection of the watershed. Fifteen local governments in Delaware and Pennsylvania participated in the study task force.

I stated during hearings on the study legislation, before the Senate Subcommittee on Forests and Public Land

Management in November of 1991, that there was tremendous support for the study and subsequent designation. However, I realized that with the diverse group of individuals, organizations and agencies making up the task force, the possibility for conflict in determining which segments should be designated and what protections afforded them, could be great.

What I could not have expected and what I am extremely pleased to report is that the support for protection of the White Clay Creek is so strong, that over 190 miles of the approximately 400 river miles studied in the watershed are being requested for designation today. Clearly, Delawareans and Pennsylvanians alike understand the value of preserving areas as unique as the White Clay Creek.

And, the legislation I am introducing will do just that. It directs the National Park Service to incorporate 190.9 miles of the White Clay Creek and its tributaries into its National Wild and Scenic Rivers System. Along with the designation, all 15 local governments within the watershed area have unanimously supported, through the passage of resolutions, the ideals and goals of the White Clay Creek Management Plan. The plan, developed by the White Clay Creek Task Force, will ensure long-term protection of the White Clay Creek watershed, emphasizing the importance of local governments working together, which is key in obtaining the federal designation I am seeking today.

Designation of the White Clay Creek and its tributaries will bring national attention to the unique cultural, natural and recreational values of the area. It will provide an added level of protection from over development, by requiring an in-depth review by the National Park Service of any proposed project requiring federal permits or federal funding in the affected area. And finally, it elevates the value of the watershed when applying for state, local and federal preservation grants.

Of the 69,000 acres in the watershed, 5,000 acres are public lands owned by state and local governments, the rest is privately owned and maintained. There are no federal lands within the watershed and no federal dollars will be used to purchase any land within its boundaries.

I believe the protection of the White Clay Creek watershed to be one of the most important environmental initiatives I have undertaken since taking office in 1973, and it is my hope that Congress will act quickly on this bill so it can be preserved not only for us, but also for all the generations to come.●

By Mr. EDWARDS:

S. 1850. A bill to amend section 222 of the Communications Act of 1934 to modify the requirements relating to the use and disclosure of customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELEPHONE CALL PRIVACY ACT OF 1999

Mr. EDWARDS. Mr. President, I rise to talk about privacy and about how we can regain some control over our personal information. Privacy is an increasing concern for all Americans. And the public rightly believes that their control over some of their most personal information is being slowly but surely eroded.

Today I introduce legislation that would help end that erosion. The ''Telephone Call Privacy Act of 1999,'' would prevent telecommunications companies from using an individual's personal phone call records without their consent, in order to sell that individual products or services.

Most Americans would be stunned to learn that the law does not protect them from having their phone records sold to third parties. Imagine getting a call one night—during dinner—and having a telemarketer try to sell you membership in a travel club because your phone calling patterns show frequent calls overseas. My legislation would prevent this from occurring without the individual's permission.

Mr. President, no one denies that the rapid development of modern technology has been beneficial. New and improved technologies have enabled us to obtain information more quickly and easily than ever before. Students can participate in classes that are being taught in other states, or even other countries. Current events can be broadcast around the world as they happen. And companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records, and buying habits. And in turn, our ability to keep our personal information private is being eroded. I have to say there are times when it feels like companies know more about me than I know myself.

The list of ways our privacy is being eroded is growing longer and longer. And sadly telephone call privacy got added to the list this August when the 10th Circuit struck down FCC regulations aimed at protecting privacy and implementing congressional intent.

The decision was the result of a suit filed by U.S. West against the FCC arguing that its regulations restrict the ability of carriers to engage in commercial speech with customers. In August, the Tenth Circuit issued its decision in the case and agreed with U.S. West. The court stated that ''privacy is not an absolute good because it imposes real costs on society.''

I believe the court was terribly wrong. Individuals have a reasonable expectation that their calling habits are not being shared with third parties without their knowledge or permission. And when I weigh the right of people to control who has access to their personal information against the ability of companies to use only one of many marketing methods, there is no question that the right of people to privacy is overriding. Surely people have a right to control some of their most private information. And surely they have the right to prevent harassing and unwanted solicitations. I for one cannot believe that expanding the variety of marketing techniques at a company's disposal is more important than a person's privacy right.

Mr. President, let me describe how my legislation would address the problem. Current law defines information about who we call, how often, and how long we talk to them as ''customer proprietary network information,'' or ''CPNI.'' It is possible for telephone companies to track an individual's CPNI and use it to market various products and services to that person.

My legislation requires that consumers be notified about potential disclosures of their private calling information and allows them to have some measure of control over how their information can be used. Specifically, my bill would do two things.

First, if a telecommunications carrier wishes to use CPNI in order to market its own products or services to them, it must provide each customer with a clear and conspicuous notice stating the type of calling information that may be used and the purpose for which it will be used. The customer may contact the carrier to deny permission to use their information within 15 days of the notice. If the customer does not contact the carrier in that time, the carrier can use the customer's CPNI to market its products and services to that customer. In other words, customers are provided with a limited opportunity to ''opt-out'' of the sharing of their information under these circumstances.

The second part of my bill addresses situations where a carrier wishes to share a customer's CPNI with a third party, such as a telemarketer. In these situations, in addition to providing the customer with notice, the carrier must also receive prior written approval from the customer. My bill clearly spells out that customers must affirmatively ''opt-in'' before a carrier can sell calling information to any third party.

The ''Telephone Call Privacy Act'' also allows for some reasonable and common sense exceptions. If a telecommunications carrier uses a customer's CPNI to provide the customer with the very services the carrier used to obtain the calling information, or if law enforcement or the courts require CPNI for certain reasons, the carrier does not need to provide the customer with notice and the opportunity to opt-out or opt-in.

Mr. President, consumers are very worried about how their personal information is being used. In 1994, a Harris Survey assessed Americans' views about privacy. It found that eighty-two percent of people surveyed are concerned about threats to their personal

privacy. And more specifically, more than half the people surveyed also stated they would be concerned if an interactive service engaged in ''subscriber profiling'' or using an individual's purchasing patterns to determine what types of goods and services to market to them. The survey also showed that people are less concerned about subscriber profiling if they are provided with notice that a profile would be created and how it would be used, and also if they are given access to the information in the profile.

Something must be done to empower consumers to prevent their private calling information from being used without their consent. The Telephone Call Privacy Act is an important step towards this goal. I believe the principles set forth in my legislation are a reasonable way to protect privacy and do not unduly burden the ability of businesses to market their products and services.

As Justice Brandeis said in his famous dissent in Olmstead v. U.S., ''the right to be let alone [is] the most comprehensive of rights and the right most valued by civilized men.'' The government must not only refrain from violating this right, but it must also ensure its preservation. I believe the Telephone Call Privacy Act is a sensible means to achieving this goal. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1850

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telephone Call Privacy Act of 1999''.

SEC. 2. MODIFICATION OF REQUIREMENTS RELATING TO USE AND DISCLOSURE OF CUSTOMER PROPRIETARY NETWORK INFORMATION.

(a) MODIFICATION OF REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 222(c) of the Communications Act of 1934 (47 U.S.C. 222(c)) is amended to read as follows:

''(1) PRIVACY REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or as required by law, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service may use, disclose, or permit access to customer proprietary network information that identifies a customer as follows:

''(i) In the provision of—

''(I) the telecommunications service from which such information is derived; and

''(II) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories.

''(ii) In the case of the use of such information by the telecommunications carrier for the provision of another of its products or services to the customer, only if the telecommunications carrier—

''(I) provides the customer a clear and conspicuous notice meeting the requirements set forth in subparagraph (C);

''(II) permits the customer to review such information for accuracy, and to correct and supplement such information; and

''(III) does not receive from the customer within 15 days after the date of the notice under subclause (I) notice disapproving the use of such information for the provision of such product or service to the customer as specified in the notice under such subclause.

''(iii) In the case of the use, disclosure, or access of or to such information by another party, only if the telecommunications carrier that originally receives or obtains such information—

''(I) meets the requirements set forth in subclauses (I) and (II) of clause (ii) with respect to such information; and

''(II) receives from the customer written notice approving the use, disclosure, or access of or to such information for the provision of the product or service to the customer as specified in the notice under subclause (I) of this clause.

''(B) CUSTOMER DISAPPROVAL.—Notwithstanding the previous approval of the use, disclosure, or access of or to information for a purpose under clause (ii) or (iii) of subparagraph (A), upon receipt from a customer of written notice of the customer's disapproval of the use, disclosure, or access of or to information for such purpose, a telecommunications carrier shall terminate the use, disclosure, or access of or to such information for such purpose.

''(C) NOTICE ELEMENTS.—Each notice under clause (ii) or (iii) of subparagraph (A) shall include the following:

''(i) The types information that may be used, disclosed, or accessed.

''(ii) The specific types of businesses or individuals that may use or access the information or to which the information may be disclosed.

''(iii) The specific product or service for which the information may be used, disclosed, or accessed.''.

(2) CONFORMING AMENDMENTS.—Paragraph (3) of such section is amended by striking ''paragraph (1)'' both places it appears and inserting ''paragraph (1)(A)(i)''.

(b) JUDICIAL AND LAW ENFORCEMENT PURPOSES.—Such section is further amended by adding at the end the following:

''(4) JUDICIAL AND LAW ENFORCEMENT PURPOSES.—

''(A) IN GENERAL.—A person that receives or obtains consumer proprietary network information may disclose such information—

''(i) pursuant to the standards and procedures established in the Federal Rules of Civil Procedure or comparable rules of other courts or administrative agencies, in connection with litigation or proceedings to which an individual who is the subject of the information is a party and in which the individual has placed the use, disclosure, or access to such information at issue;

''(ii) to a court, and to others ordered by the court, if in response to a court order issued in accordance with subparagraph (B); or

''(iii) to an investigative or law enforcement officer pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a grand jury subpoena, or a court order issued in accordance with subparagraph (B).

''(B) REQUIREMENTS FOR COURT ORDERS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a court order for the disclosure of customer proprietary network information under subparagraph (A) may be issued by a court of competent jurisdiction only upon written application, upon oath or equivalent affirmation, by an investigative or law enforcement officer demonstrating that there is probable cause to believe that—

''(I) the information sought is relevant and material to an ongoing criminal investigation; and

''(II) the law enforcement need for the information outweighs the privacy interest of the individual to whom the information pertains.

''(ii) CERTAIN ORDERS.—A court order may not be issued under this paragraph upon application of an officer of a State or local government if prohibited by the law of the State concerned.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. ALLARD), the Senator from Minnesota (Mr. GRAMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. COVERDELL), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 976

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 976, a bill to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services children and adolescents, to enhance flexibility and accountability, to establish programs for youth treatment, and to respond to crises, especially those related to children and violence.

S. 1036

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to

needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Carolina (Mr. EDWARDS), the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Maine (Ms. COLLINS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. ROBERTS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1332

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1332, a bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

S. 1384

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. COLLINS), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1487

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1500

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1528

At the request of Mr. LOTT, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 1547

At the request of Mr. BURNS, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Arizona (Mr. KYL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1656

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1656, a bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program.

S. 1710

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. BRYAN), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Wyoming (Mr. ENZI), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. FITZGERALD), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mr. GRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Florida (Mr. MACK), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Oklahoma (Mr. NICKLES), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Virginia (Mr. ROBB), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Wyoming (Mr. THOMAS), the Senator from Tennessee (Mr. THOMPSON), the Senator from South

Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Oregon (Mr. WYDEN), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1710, a bill to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson.

S. 1771

At the request of Mr. ASHCROFT, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1771, a bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural medical sanction against a foreign country or foreign entity.

S. 1791

At the request of Mr. LIEBERMAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1791, a bill to authorize the Librarian of Congress to purchase papers of Dr. Martin Luther King, Junior, from Dr. King's estate.

S. 1795

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1795, a bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

S. 1809

At the request of Mr. JEFFORDS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1809, a bill to improve service systems for individuals with developmental disabilities, and for other purposes.

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 212

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of Senate Resolution 212, a resolution to designate August 1, 2000, as ''National Relatives as Parents Day.''

SENATE RESOLUTION 217

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of Senate Resolution 217, a resolution relating to the freedom of belief, expression, and association in the People's Republic of China.

AMENDMENT NO. 2359

At the request of Mr. BURNS, his name was added as a cosponsor of amendment No. 2359 proposed to H.R. 434, a bill to authorize a new trade and investment policy for sub-Sahara Africa.

AMENDMENT NO. 2360

At the request of Mr. CONRAD, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Missouri (Mr. ASHCROFT), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2360 proposed to H.R. 434, a bill to authorize a new trade and investment policy for sub-Sahara Africa.

SENATE RESOLUTION 218—EXPRESSING THE SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED RECOGNIZING THE 4–H YOUTH DEVELOPMENT PROGRAM'S CENTENNIAL

Mr. CRAIG (for himself, Mr. LOTT, Mr. COCHRAN, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 218

Expressing the sense of the Senate that a commemorative postage stamp should be issued recognizing the 4–H Youth Development Program's centennial.

Whereas the 4–H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas the 4–H Youth Development Program has grown to over 5,600,000 annual participants, from 5 to 19 years of age;

Whereas today's 4–H Club is very diverse, offering agricultural, career development, information technology, and general life skills programs;

Whereas these programs are offered in rural and urban areas throughout the world; and

Whereas the 4–H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Postal Service should make preparations to issue a commemorative postage stamp recognizing the 4–H Youth Development Program's centennial; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued in 2002.

Mr. CRAIG. Mr. President, I rise to make a few remarks in support of the 4–H postal stamp resolution.

We must not fail to notice all the admirable efforts of youth today across the country. One fine example of young people joining together to make a positive impact in our country is the 4–H Youth Development Program. In the year 2002, 4–H will celebrate its 100th Anniversary. To recognize this national organization's achievements, I am submitting this resolution urging the U.S. Postal Service to create a stamp in honor of their centennial.

4–H is comprised of over 6 million youth, 45 million alumni, and over 600,000 volunteers. As the 4–H pledge states, they are working everyday to become positive members of ''their clubs, their communities, their country and their world.'' Although this program started at the turn of the century focusing on rural agriculture and homemaking, today it boasts a diverse group with nearly a quarter of its members coming from central cities.

With programs in every state and 80 other countries, 4–H has demonstrated the importance of its ideals. Members follow the motto ''To make the best better.'' Their mission is to create supportive environments enabling youth and adults to reach their full potential. In this way they become capable, competent and caring citizens. As a result, participation in 4–H programs has helped reduce violence, substance abuse, teen pregnancy, and unethical behavior in millions of youth.

Every state has seen the benefits of 4–H membership. A recent report, ''Programs of Excellence'' demonstrates this. Published by the USDA, the report highlights noteworthy 4–H programs in various states from New Jersey to New Mexico. In my state of Idaho, 4–H achieved recognition for its programs in youth development and ethics in agriculture. Idaho's ''Know Your Government'' conferences were applauded for giving youth positive attitudes toward government and increasing civic involvement and government knowledge.

This positive organization deserves our support and recognition. A centennial stamp issued by the U.S. Postal Service is the perfect way to honor and celebrate a job well done.

SENATE RESOLUTION 219—RECOGNIZING AND HONORING WALTER JERRY PAYTON AND EXPRESSING THE CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. FITZGERALD (for himself, Mr. DURBIN, Mr. LOTT, Mr. COCHRAN, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 219

Whereas Walter Payton was a hero, a leader, and a role model both on and off the field;

Whereas for 13 years, Walter Payton thrilled Chicago Bears' fans as the National Football League's (NFL's) all-time leading rusher—and as one of the greatest running backs ever to play the game—culminating with his induction into the Professional Football Hall of Fame;

Whereas after retiring from professional football in 1987, Payton continued to touch the lives of both his fellow Chicagoans and citizens of his native state of Mississippi, as a businessman and a community leader;

Whereas Walter Payton was born 1954 to Mrs. Alyne Payton and the late Mr. Edward Payton, and his historic career began as a star running back at Columbia High School in his native hometown of Columbia, Mississippi, which he called ''a child's paradise.'' He went on to choose Jackson State University over 100 college offers, and to set nine university football records, eventually scoring more points than any other football player in the history of the National Collegiate Athletic Association;

Whereas the first choice in the 1975 NFL draft, Payton—or ''Sweetness'' as he was known to his fans—became the NFL's all-time leader in running and combined net yards and scored 110 touchdowns during his career with the Bears;

Whereas Walter Payton made the Pro Brown nine times and was named the league's Most Valuable Player twice, in 1977 and 1985;

Whereas in 1977, Payton rushed for a career-high, 1,852 yards and carried the Bears to the playoffs for the first time since 1963;

Whereas Payton broke Jim Brown's longstanding record in 1984 to become the league's all-time leading rusher, and finished his career with a record 16,726 total rushing yards;

Whereas in 1985–86, Walter Payton led the Bears to an unforgettable 15–1 season and Super Bowl victory—the first and only Super Bowl win in Bears' history;

Whereas Payton was inducted into the Pro Football Hall of Fame in 1993, and was selected this year as the Greatest All-Time NFL Player by more than 200 players from the NFL Draft Class of 1999;

Whereas Walter Payton matched his accomplishments on the football field with his selfless actions off the field on behalf of those in need. He excelled academically as well as athletically, earning a degree in special education from Jackson State University in just three and one half years, and going on to undertake additional graduate study. Payton worked throughout his adult life to improve the lives of others through personal involvement with many charitable organizations. He was particularly active in working with children facing physical, mental, or economic challenges. In 1988, he established the Halas/Payton Foundation, which continues his legacy of community involvement to help educate Chicago's youth;

Whereas Walter Payton was a dedicated man of faith and principle, who, as a lifelong Baptist, was known for his deep reverence for God; and, as a gracious and selfless citizen, was a devoted father with sterling personal integrity and a warm sense of humor. Walter Payton will always be remembered as a true gentleman with a heart full of genuine and active concern for others;

Whereas Walter Payton was truly an American hero in every sense of the term;

Whereas the members of the Senate extend our deepest sympathies to Walter Payton's family and the host of friends that he had across the country; and

Whereas Walter Payton died tragically on November 1, 1999, at age 45, but his legacy will live in our hearts and minds forever: Now, therefore, be it

Resolved, That the Senate—

(1) hereby recognizes and honors Walter Jerry Payton (A) as one of the greatest football players of all time; and (B) for his many contributions to the Nation, especially to children, throughout his lifetime; and

(2) extends its deepest condolences to Walter Payton's wife, Connie; his two children, Jarrett and Brittney; his mother, Alyne; his brother, Eddie; his sister, Pam; and other members of his family.

AMENDMENTS SUBMITTED

THE AFRICAN GROWTH AND OPPORTUNITY ACT

ROTH AMENDMENT NO. 2505

Mr. ROTH proposed an amendment to amendment No. 2325 proposed by him to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa; as follows:

On page 10, strike lines 3 through 12, and insert the following:

''(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes;

''(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise; and

''(v) a system to combat corruption and bribery, such as signing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;

On page 17, line 6, strike ''2 years'' and insert ''5 years''.

On page 36, beginning on line 3, strike all through page 41, line 21, and insert the following:

''(B) CBTEA BENEFICIARY COUNTRY.—The term 'CBTEA beneficiary country' means any 'beneficiary country', as defined by section 212(a)(1)(A) of this title, which the President designates as a CBTEA beneficiary country, taking into account the following criteria:

''(i) Whether a beneficiary country has demonstrated a commitment to—

''(I) undertake its obligations under the WTO on or ahead of schedule;

''(II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and

''(III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

''(ii) The extent to which the country follows accepted rules of international trade provided for under the agreements listed in section 101(d) of the Uruguay Round Agreements Act.

''(iii) The extent to which the country provides protection of intellectual property rights—

''(I) in accordance with standards established in the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act;

''(II) in accordance with standards established in chapter 17 of the NAFTA; and

''(III) by granting the holders of copyrights the ability to control the importation and sale of products that embody copyrighted works, extending the period set forth in Article 1711(6) of NAFTA for protecting test data for agricultural chemicals to 10 years, protecting trademarks regardless of their subsequent designation as geographic indications, and providing enforcement against the importation of infringing products at the border.

''(iv) The extent to which the country provides protections to investors and investments of the United States substantially equivalent to those set forth in chapter 11 of the NAFTA.

''(v) The extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products for which benefits are provided under paragraphs (2) and (3), and in other relevant product sectors as determined by the President.

''(vi) The extent to which the country provides internationally recognized worker rights, including—

''(I) the right of association,

''(II) the right to organize and bargain collectively,

''(III) prohibition on the use of any form of coerced or compulsory labor,

''(IV) a minimum age for the employment of children, and

''(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(vii) Whether the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

''(viii) The extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, and becomes party to a convention regarding the extradition of its nationals.

''(ix) The extent to which the country—

''(I) supports the multilateral and regional objectives of the United States with respect to government procurement, including the negotiation of government procurement provisions as part of the FTAA and conclusion of a WTO transparency agreement as provided in the declaration of the WTO Ministerial Conference held in Singapore on December 9 through 13, 1996; and

''(II) applies transparent and competitive procedures in government procurement equivalent to those contained in the WTO Agreement on Government Procurement (described in section 101(d)(17) of the Uruguay Round Agreements Act).

''(x) The extent to which the country follows the rules on customs valuation set forth in the WTO Agreement on Implementation of Article VII of the GATT 1994 (described in section 101(d)(8) of the Uruguay Round Agreements Act).

''(xi) The extent to which the country affords to products of the United States which the President determines to be of commercial importance to the United States with respect to such country, and on a nondiscriminatory basis to like products of other WTO members, tariff treatment that is no less favorable than the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such country is a party, other than the Central American Common Market

or the Caribbean Community and Common Market.

On page 22, between lines 5 and 6, insert the following new section:

SEC. 116. ACCESS TO HIV/AIDS PHARMACEUTICALS AND MEDICAL TECHNOLOGIES.

(a) FINDINGS.—Congress finds that—

(1) since the onset of the worldwide HIV/AIDS epidemic, approximately 34,000,000 people living in sub-Saharan Africa have been infected with the disease;

(2) of those infected, approximately 11,500,000 have died; and

(3) the deaths represent 83 percent of the total HIV/AIDS-related deaths worldwide.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of the United States to take all necessary steps to prevent further spread of infectious disease, particularly HIV/AIDS;

(2) there is critical need for effective incentives to develop new pharmaceuticals, vaccines, and therapies to combat the HIV/AIDS crisis, especially effective global standards for protecting pharmaceutical and medical innovation;

(3) the overriding priority for responding to the crisis on HIV/AIDS in sub-Saharan Africa should be the development of the infrastructure necessary to deliver adequate health care services, and of public education to prevent transmission and infection, rather than legal standards issues; and

(4) individual countries should have the ability to determine the availability of pharmaceuticals and health care for their citizens in general, and particularly with respect to the HIV/AIDS epidemic.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated or otherwise made available to any department or agency of the United States may not be obligated or expended to seek, through negotiation or otherwise, the revocation or revision of any intellectual property or competition law or policy that regulates HIV/AIDS pharmaceuticals or medical technologies of a beneficiary sub-Saharan African country if the law or policy promotes access to HIV/AIDS pharmaceuticals or medical technologies and the law or policy of the country provides adequate and effective intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

At the end, insert the following new title:

TITLE VI—OTHER TRADE PROVISIONS

SEC. 601. NORMAL TRADE RELATIONS FOR ALBANIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Albania; and

(B) after making a determination under subparagraph (A) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 602. NORMAL TRADE RELATIONS FOR KYRGYZSTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Kyrgyzstan has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its independence from the Soviet Union in 1991, Kyrgyzstan has made great progress toward democratic rule and toward creating a free-market economic system.

(3) Kyrgyzstan concluded a bilateral investment treaty with the United States in 1994.

(4) Kyrgyzstan has demonstrated a strong desire to build a friendly and cooperative relationship with the United States.

(5) The extension of unconditional normal trade relations treatment to the products of Kyrgyzstan will enable the United States to avail itself of all rights under the World Trade Organization with respect to Kyrgyzstan.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO KYRGYZSTAN.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kyrgyzstan; and

(B) after making a determination under subparagraph (A) with respect to Kyrgyzstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kyrgyzstan, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 603. REPORT ON EMPLOYMENT AND TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Comptroller General of the United States shall submit a report to Congress regarding the efficiency and effectiveness of Federal and State coordination of employment and retraining activities associated with the following programs and legislation:

(1) trade adjustment assistance (including NAFTA trade adjustment assistance) provided for under title II of the Trade Act of 1974;

(2) the Job Training Partnership Act;

(3) the Workforce Investment Act; and

(4) unemployment insurance.

(b) PERIOD COVERED.—The report shall cover the activities involved in the programs and legislation listed in subsection (a) from January 1, 1994, to December 31, 1999.

(c) DATA AND RECOMMENDATIONS.—The report shall at a minimum include specific data and recommendations regarding—

(1) the compatibility of program requirements related to the employment and retraining of dislocated workers in the United States, with particular emphasis on the trade adjustment assistance programs provided for under title II of the Trade Act of 1974;

(2) the compatibility of application procedures related to the employment and retraining of dislocated workers in the United States;

(3) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on workers in the United States measured in terms of loss of employment and wages;

(4) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on secondary workers in the United States measured in terms of loss of employment and wages;

(5) how the impact of foreign trade and the transfer of production to other countries would have changed the number of beneficiaries covered under the trade adjustment assistance program if the trade adjustment assistance program covered secondary workers in the United States; and

(6) the effectiveness of the programs described in subsection (a) in achieving reemployment of United States workers and maintaining wage levels of United States workers who have been dislocated as a result of foreign trade and the transfer of production to other countries.

SEC. 604. TRADE ADJUSTMENT ASSISTANCE.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR DECOMMISSIONING OR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA–W–28,438; and

(B) was necessary for the decommissioning or closure of a nuclear power facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 605. REPORT ON DEBT RELIEF.

The President shall, not later than 180 days after the date of enactment of this Act, submit to Congress a report on the President's recommendations for bilateral debt relief for sub-Saharan African countries, the President's recommendations for new loan, credit, and guarantee programs and procedures for such countries, and the President's assessment of how debt relief will affect the ability of each such country to participate fully in the international trading system.

SEC. 606. HIV/AIDS EFFECT ON THE SUB-SAHARAN AFRICAN WORKFORCE.

In selecting issues of common interest to the United States-Sub-Saharan African Trade and Economic Cooperation Forum, the President shall instruct the United States delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on human and social development in each country.

SEC. 607. GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR.

(a) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new sentence:

''For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 608. RELIQUIDATION OF CERTAIN NUCLEAR FUEL ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Secretary of the Treasury not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) reliquidate as free of duty the entries listed in subsection (b); and

(2) refund any duties paid with respect to such entries as shown on Customs Service Collection Receipt Number 527006753.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
062-2320014-5	January 16, 1996
062-2320085-5	February 13, 1996
839-4030989-7	January 25, 1996
839-4031053-1	December 2, 1996
839-4031591-0	January 21, 1997.

SEC. 609. SENSE OF THE SENATE REGARDING FAIR ACCESS TO JAPANESE TELECOMMUNICATIONS FACILITIES AND SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has a deep and sustained interest in the promotion of deregulation, competition, and regulatory reform in Japan.

(2) New and bold measures by the Government of Japan regarding regulatory reform will help remove the regulatory and structural impediments to the effective functioning of market forces in the Japanese economy.

(3) Regulatory reform will increase the efficient allocation of resources in Japan, which is critical to returning Japan to a long-term growth path powered by domestic demand.

(4) Regulatory reform will not only improve market access for United States business and other foreign firms, but will also enhance consumer choice and economic prosperity in Japan.

(5) A sustained recovery of the Japanese economy is vital to a sustained recovery of Asian economies.

(6) The Japanese economy must serve as one of the main engines of growth for Asia and for the global economy.

(7) The Governments of the United States and Japan reconfirmed the critical importance of deregulation, competition, and regulatory reform when the two governments established the Enhanced Initiative on Deregulation and Competition Policy in 1997.

(8) Telecommunications is a critical sector requiring reform in Japan, where the market is hampered by a history of laws, regulations, and monopolistic practices that do not meet the needs of a competitive market.

(9) As the result of Japan's laws, regulations, and monopolistic practices, Japanese consumers and Japanese industry have been denied the broad benefits of innovative telecommunications services, cutting edge technology, and lower prices that competition would bring to the market.

(10) Japan's significant lag in developing broadband and Internet services, and Japan's lag in the entire area of electronic commerce, is a direct result of a noncompetitive telecommunications regulatory structure.

(11) Japan's lag in developing broadband and Internet services is evidenced by the following:

(A) Japan has only 17,000,000 Internet users, while the United States has 80,000,000 Internet users.

(B) Japan hosts fewer than 2,000,000 websites, while the United States hosts over 30,000,000 websites.

(C) Electronic commerce in Japan is valued at less than $1,000,000,000, while in the United States electronic commerce is valued at over $30,000,000,000.

(D) 19 percent of Japan's schools are connected to the Internet, while in the United States 89 percent of schools are connected.

(12) Leading edge foreign telecommunications companies, because of their high level of technology and innovation, are the key to building the necessary telecommunications infrastructure in Japan, which will only be able to serve Japanese consumers and industry if there is a fundamental change in Japan's regulatory approach to telecommunications.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the appropriate officials in the executive branch should implement vigorously the call for Japan to undertake a major regulatory reform in the telecommunications sector, the so-called ''Telecommunications Big Bang'';

(2) a ''Telecommunications Big Bang'' must address fundamental legislative and regulatory issues within a strictly defined timeframe;

(3) the new telecommunications regulatory framework should put competition first in order to encourage new and innovative businesses to enter the telecommunications market in Japan;

(4) the Government of Japan should ensure that Nippon Telegraph and Telephone Corporation (NTT) and its affiliates (the NTT Group) are prevented from using their dominant position in the wired and wireless market in an anticompetitive manner; and

(5) the Government of Japan should take credible steps to ensure that competitive carriers have reasonable, cost-based, and nondiscriminatory access to the rights-of-way, facilities, and services controlled by NTT, the NTT Group, other utilities, and the Government of Japan, including—

(A) access to interconnection at market-based rates;

(B) unrestricted access to unbundled elements of the network belonging to NTT and the NTT Group; and

(C) access to public roads for the installation of facilities.

SEC. 610. REPORTS TO THE FINANCE AND WAYS AND MEANS COMMITTEES.

(a) REPORTS REGARDING INITIATIVES TO UPDATE THE INTERNATIONAL MONETARY FUND.—Section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–224), relating to international financial programs and reform, is amended—

(1) by inserting ''Finance,'' after ''Foreign Relations,''; and

(2) by inserting '', Ways and Means,'' before ''and Banking and Financial Services''.

(b) REPORTS ON FINANCIAL STABILIZATION PROGRAMS.—Section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r–3(b)) is amended to read as follows:

''(b) TIMING.—Not later than March 15, 1999, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services, Ways and Means, and International Relations of the House of Representatives and the Committees on Finance, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).''.

(c) ANNUAL REPORT ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.—Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–4(a)) is amended by striking ''Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate'' and inserting ''Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate''.

(d) AUDITS OF THE IMF.—Section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)) is amended by striking ''Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate'' and inserting ''Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate''.

(e) REPORT ON PROTECTION OF BORDERS AGAINST DRUG TRAFFIC.—Section 629 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–522), relating to general provisions, is amended by adding at the end the following new paragraph:

''(3) For purposes of paragraph (1), the term 'appropriate congressional committees' includes the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.''.

SEC. 611. CLARIFICATION OF SECTION 334 OF THE URUGUAY ROUND AGREEMENTS ACT.

(a) IN GENERAL.—Section 334(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the matter preceding clause (i) (as redesignated), by striking ''Notwithstanding paragraph (1)(D)'' and inserting ''(A) Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (B) and (C)''; and

(3) by adding at the end the following:

''(B) Notwithstanding paragraph (1)(C), fabric classified under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

''(C) Notwithstanding paragraph (1)(D), goods classified under HTS heading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95, except for goods classified under such headings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 612. CHIEF AGRICULTURAL NEGOTIATOR.

(a) ESTABLISHMENT OF A POSITION.—There is established the position of Chief Agricultural Negotiator in the Office of the United States Trade Representative. The Chief Agricultural Negotiator shall be appointed by the President, with the rank of Ambassador, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The primary function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of United States agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.

(c) COMPENSATION.—The Chief Agricultural Negotiator shall be paid at the highest rate of basic pay payable to a member of the Senior Executive Service.

SEC. 613. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION.

Section 306(b)(2) of the Trade Act of 1974 (19 U.S.C. 2416(b)(2)) is amended—

(1) by striking ''If the'' and inserting the following:

''(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the''; and

(2) by adding at the end the following:

''(B) REVISION OF RETALIATION LIST AND ACTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in section 301(c)(1) (A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

''(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

''(I) the Trade Representative determines that implementation of a recommendation made pursuant to a dispute settlement proceeding described in clause (i) by the country is imminent; or

''(II) the Trade Representative together with the petitioner involved in the initial investigation under this chapter (or if no petition was filed, the affected United States industry) agree that it is unnecessary to revise the retaliation list.

''(C) SCHEDULE FOR REVISING LIST OR ACTION.—The Trade Representative shall, 120 days after the date the retaliation list or other section 301(a) action is first taken, and every 180 days thereafter, review the list or action taken and revise, in whole or in part, the list or action to affect other goods of the subject country or countries.

''(D) STANDARDS FOR REVISING LIST OR ACTION.—In revising any list or action against a country or countries under this subsection, the Trade Representative shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding. The Trade Representative shall consult with the petitioner, if any, involved in the initial investigation under this chapter.

''(E) RETALIATION LIST.—The term 'retaliation list' means the list of products of a foreign country or countries that have failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.''.

SEC. 614. SENSE OF CONGRESS REGARDING COMPREHENSIVE DEBT RELIEF FOR THE WORLD'S POOREST COUNTRIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1997, the Group of Seven, the World Bank, and the International Monetary Fund adopted the Heavily Indebted Poor Countries Initiative (HIPC), a commitment by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) The HIPC Initiative is currently undergoing reforms to address concerns raised about country conditionality, the amount of debt forgiven, and the allocation of savings realized through the debt forgiveness program to ensure that the Initiative accomplishes the goals of economic growth and poverty alleviation in the world's poorest countries.

(6) Recently, the President requested Congress to provide additional resources for bilateral debt forgiveness and additional United States contributions to the HIPC Trust Fund.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the President should work together, without undue delay and in concert with the international community, to make comprehensive debt relief available to the world's poorest countries in a manner that promotes economic growth and poverty alleviation;

(2) this program of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) this program of debt relief should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these debt relief agreements should be designed and implemented in a transparent manner and with the broad participation of the citizenry of the debtor country and should ensure that country circumstances are adequately taken into account;

(5) no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in conflict or spends excessively on its military; and

(6) in order to prevent adverse impact on a key industry in many developing countries, the International Monetary Fund must mobilize its own resources for providing debt relief to eligible countries without allowing gold to reach the open market, or otherwise adversely affecting the market price of gold.

SEC. 615. REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR AGRICULTURAL COMMODITY PRODUCERS.

(a) IN GENERAL.—Not later than 4 months after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) examines the applicability to agricultural commodity producers of trade adjustment assistance programs established under title II of the Trade Act of 1974; and

(2) sets forth recommendations to improve the operation of those programs as the programs apply to agricultural commodity producers or to establish a new trade adjustment assistance program for agricultural commodity producers.

(b) CONTENTS.—In preparing the report required by subsection (a), the Secretary of Labor shall—

(1) assess the degree to which the existing trade adjustment assistance programs address the adverse effects on agricultural commodity producers due to price suppression caused by increased imports of like or directly competitive agricultural commodities; and

(2) examine the effectiveness of the program benefits authorized under subchapter B of chapter 2 and chapter 3 of title II of the Trade Act of 1974 in remedying the adverse effects, including price suppression, caused by increased imports of like or directly competitive agricultural commodities.

(c) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' means any agricultural commodity, including livestock, fish or harvested seafood in its raw or natural state.

(2) AGRICULTURAL COMMODITY PRODUCER.—The term ''agricultural commodity producer'' means any person who is engaged in the production and sale of an agricultural commodity in the United States and who owns or shares the ownership and risk of loss of the agricultural commodity.

SEC. 616. STUDY ON IMPROVING AFRICAN AGRICULTURAL PRACTICES.

(a) IN GENERAL.—The United States Department of Agriculture, in consultation with American Land Grant Colleges and Universities and not-for-profit international organizations, is authorized to conduct a two-year study on ways to improve the flow of American farming techniques and practices to African farmers. The study conducted by the Department of Agriculture shall include an examination of ways of improving or utilizing—

(1) knowledge of insect and sanitation procedures;

(2) modern farming and soil conservation techniques;

(3) modern farming equipment (including maintaining the equipment);

(4) marketing crop yields to prospective purchasers; and

(5) crop maximization practices.

The study shall be submitted to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than September 30, 2001.

(b) LAND GRANT COLLEGES AND NOT-FOR-PROFIT INSTITUTIONS.—The Department of Agriculture is encouraged to consult with American Land Grant Colleges and not-for-profit international organizations that have firsthand knowledge of current African farming practices.

(c) AUTHORIZATION OF FUNDING.—There is authorized to be appropriated $2,000,000 to conduct the study described in subsection (a).

SEC. 617. ANTICORRUPTION EFFORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Corruption and bribery of public officials is a major problem in many African countries and represents a serious threat to the development of a functioning domestic private sector, to United States business and trade interests, and to prospects for democracy and good governance in African countries.

(2) Of the 17 countries in sub-Saharan Africa rated by the international watchdog group, Transparency International, as part of the 1998 Corruption Perception Index, 13 ranked in the bottom half.

(3) The Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which has been signed by all 29 members of the OECD plus Argentina, Brazil, Bulgaria, Chile, and the Slovak Republic and which entered into force on February 15, 1999, represents a significant step in the elimination of bribery and corruption in international commerce.

(4) As a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the United States should encourage the highest standards possible with respect to bribery and corruption.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should encourage at every opportunity the accession of sub-Saharan African countries, as defined in section 6, to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

SEC. 618. SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT DESERTIFICATION IN AFRICA AND OTHER NATIONS.

(a) FINDINGS.—Congress finds that—

(1) desertification affects approximately one-sixth of the world's population and one-quarter of the total land area;

(2) over 1,000,000 hectares of Africa are affected by desertification;

(3) dryland degradation is an underlying cause of recurrent famine in Africa;

(4) the United Nations Environment Programme estimates that desertification costs the world $42,000,000,000 a year, not including incalculable costs in human suffering; and

(5) the United States can strengthen its partnerships throughout Africa and other nations affected by desertification, help alleviate social and economic crises caused by misuse of natural resources, and reduce dependence on foreign aid, by taking a leading role to combat desertification.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should expeditiously work with the international community, particularly Africa and other nations affected by desertification, to—

(1) strengthen international cooperation to combat desertification;

(2) promote the development of national and regional strategies to address desertification and increase public awareness of this serious problem and its effects;

(3) develop and implement national action programs that identify the causes of desertification and measures to address it; and

(4) recognize the essential role of local governments and nongovernmental organizations in developing and implementing measures to address desertification.

SEC. 619. REPORT ON WORLD TRADE ORGANIZATION MINISTERIAL.

(a) SENSE OF CONGRESS.—Congress recognizes the importance of the new round of international trade negotiations that will be launched at the World Trade Organization (WTO) Ministerial Conference in Seattle, Washington, from November 30 to December 3, 1999.

(b) REPORT.—Not later than February 3, 2000, the United States Trade Representative shall submit a report to Congress regarding discussions on the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Antidumping Agreement) and the Agreement on Subsidies and Countervailing Measures during the Seattle Ministerial Conference. The report shall include a complete description of such discussions, including proposals made to renegotiate those agreements, the member government making the proposal, and the United States Trade Representative's response to the proposal, with a description as to how the response achieves United States trade goals.

SEC. 620. MARKING OF IMPORTED JEWELRY.

(a) MARKING REQUIREMENT.—Not later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Treasury shall prescribe and implement regulations that require that all jewelry described in subsection (b) that enters the customs territory of the United States have the English name of the country of origin indelibly marked in a conspicuous place on such jewelry by cutting, die-sinking, engraving, stamping, or some other permanent method to the same extent as such marking is required for Native American-style jewelry under section 134.43 of title 19, Code of Federal Regulations, as in effect on October 1, 1998.

(b) JEWELRY.—The jewelry described in this subsection means any article described in heading 7117 of the Harmonized Tariff Schedule of the United States.

(c) DEFINITION.—As used in this section, the term ''enters the customs territory of the United States'' means enters, or is withdrawn from warehouse for consumption, in the customs territory of the United States.

SEC. 621. SENSE OF THE SENATE REGARDING TARIFF INVERSIONS.

It is the sense of the Senate that United States trade policy should, while taking into account the conditions of United States producers, especially those currently facing tariff phase-outs negotiated under prior trade agreements, place a priority on the elimination or amelioration of tariff inversions, including those applicable to wool fabric, that undermine the competitiveness of United States consuming industries.

THE HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

FRIST (AND OTHERS) AMENDMENT NO. 2506

Mr. GRAMM (for Mr. FRIST (for himself, Mr. JEFFORDS, and Mr. KENNEDY)) proposed an amendment to the bill (S. 580) to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healthcare Research and Quality Act of 1999''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:

''TITLE IX—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

''PART A—ESTABLISHMENT AND GENERAL DUTIES

''SEC. 901. MISSION AND DUTIES.

''(a) IN GENERAL.—There is established within the Public Health Service an agency to be known as the Agency for Healthcare Research and Quality, which shall be headed by a director appointed by the Secretary. The Secretary shall carry out this title acting through the Director.

''(b) MISSION.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health system practices, including the prevention of diseases and other health conditions. The Agency shall promote health care quality improvement by conducting and supporting—

''(1) research that develops and presents scientific evidence regarding all aspects of health care, including—

''(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;

''(B) the outcomes, effectiveness, and cost-effectiveness of health care practices, including preventive measures and long-term care;

''(C) existing and innovative technologies;

''(D) the costs and utilization of, and access to health care;

''(E) the ways in which health care services are organized, delivered, and financed and the interaction and impact of these factors on the quality of patient care;

''(F) methods for measuring quality and strategies for improving quality; and

''(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information;

''(2) the synthesis and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

''(3) initiatives to advance private and public efforts to improve health care quality.

''(c) REQUIREMENTS WITH RESPECT TO RURAL AND INNER-CITY AREAS AND PRIORITY POPULATIONS.—

''(1) RESEARCH, EVALUATIONS AND DEMONSTRATION PROJECTS.—In carrying out this title, the Director shall conduct and support research and evaluations, and support demonstration projects, with respect to—

''(A) the delivery of health care in inner-city areas, and in rural areas (including frontier areas); and

''(B) health care for priority populations, which shall include—

''(i) low-income groups;

''(ii) minority groups;

''(iii) women;

''(iv) children;

''(v) the elderly; and

''(vi) individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care.

''(2) PROCESS TO ENSURE APPROPRIATE RESEARCH.—The Director shall establish a process to ensure that the requirements of paragraph (1) are reflected in the overall portfolio of research conducted and supported by the Agency.

''(3) OFFICE OF PRIORITY POPULATIONS.—The Director shall establish an Office of Priority Populations to assist in carrying out the requirements of paragraph (1).

"SEC. 902. GENERAL AUTHORITIES.

''(a) IN GENERAL.—In carrying out section 901(b), the Director shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities with respect to—

''(1) the quality, effectiveness, efficiency, appropriateness and value of health care services;

''(2) quality measurement and improvement;

''(3) the outcomes, cost, cost-effectiveness, and use of health care services and access to such services;

''(4) clinical practice, including primary care and practice-oriented research;

''(5) health care technologies, facilities, and equipment;

''(6) health care costs, productivity, organization, and market forces;

''(7) health promotion and disease prevention, including clinical preventive services;

''(8) health statistics, surveys, database development, and epidemiology; and

''(9) medical liability.

''(b) HEALTH SERVICES TRAINING GRANTS.—

''(1) IN GENERAL.—The Director may provide training grants in the field of health services research related to activities authorized under subsection (a), to include pre- and post-doctoral fellowships and training programs, young investigator awards, and other programs and activities as appropriate. In carrying out this subsection, the Director shall make use of funds made available under section 487(d)(3) as well as other appropriated funds.

''(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are addressing health care issues for the priority populations identified in section 901(c)(1)(B) and in addition, shall take into consideration indications of long-term commitment, amongst applicants for training funds, to addressing health care needs of the priority populations.

''(c) MULTIDISCIPLINARY CENTERS.—The Director may provide financial assistance to assist in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services research, demonstration projects, evaluations, training, and policy analysis with respect to the matters referred to in subsection (a).

''(d) RELATION TO CERTAIN AUTHORITIES REGARDING SOCIAL SECURITY.—Activities authorized in this section shall be appropriately coordinated with experiments, demonstration projects, and other related activities authorized by the Social Security Act and the Social Security Amendments of 1967. Activities under subsection (a)(2) of this section that affect the programs under titles XVIII, XIX and XXI of the Social Security Act shall be carried out consistent with section 1142 of such Act.

''(e) DISCLAIMER.—The Agency shall not mandate national standards of clinical practice or quality health care standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that the Agency's role is to mandate a national standard or specific approach to quality measurement and reporting. In research and quality improvement activities, the Agency shall consider a wide range of choices, providers, health care delivery systems, and individual preferences.

''(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

"PART B—HEALTH CARE IMPROVEMENT RESEARCH

"SEC. 911. HEALTH CARE OUTCOME IMPROVEMENT RESEARCH.

''(a) EVIDENCE RATING SYSTEMS.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate methods or systems to assess health care research results, particularly methods or systems to rate the strength of the scientific evidence underlying health care practice, recommendations in the research literature, and technology assessments. The Agency shall make methods or systems for evidence rating widely available. Agency publications containing health care recommendations shall indicate the level of substantiating evidence using such methods or systems.

''(b) HEALTH CARE IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.—

''(1) IN GENERAL.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly with clinical practice in geographically diverse locations throughout the United States, including—

''(A) health care improvement research centers that combine demonstrated multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;

''(B) provider-based research networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate outcomes and evaluate and promote quality improvement; and

''(C) other innovative mechanisms or strategies to link research with clinical practice.

''(2) REQUIREMENTS.—The Director is authorized to establish the requirements for entities applying for grants under this subsection.

"SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.

''(a) SUPPORT FOR EFFORTS TO DEVELOP INFORMATION ON QUALITY.—

''(1) SCIENTIFIC AND TECHNICAL SUPPORT.—In its role as the principal agency for health care research and quality, the Agency may provide scientific and technical support for private and public efforts to improve health care quality, including the activities of accrediting organizations.

''(2) ROLE OF THE AGENCY.—With respect to paragraph (1), the role of the Agency shall include—

''(A) the identification and assessment of methods for the evaluation of the health of—

''(i) enrollees in health plans by type of plan, provider, and provider arrangements; and

''(ii) other populations, including those receiving long-term care services;

''(B) the ongoing development, testing, and dissemination of quality measures, including measures of health and functional outcomes;

''(C) the compilation and dissemination of health care quality measures developed in the private and public sector;

''(D) assistance in the development of improved health care information systems;

''(E) the development of survey tools for the purpose of measuring participant and beneficiary assessments of their health care; and

''(F) identifying and disseminating information on mechanisms for the integration of information on quality into purchaser and consumer decision-making processes.

''(b) CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.—

''(1) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in paragraph (2).

''(2) REQUIRED ACTIVITIES.—The activities referred to in this paragraph are the following:

''(A) The conduct of state-of-the-art research for the following purposes:

''(i) To increase awareness of—

''(I) new uses of drugs, biological products, and devices;

''(II) ways to improve the effective use of drugs, biological products, and devices; and

''(III) risks of new uses and risks of combinations of drugs and biological products.

''(ii) To provide objective clinical information to the following individuals and entities:

''(I) Health care practitioners and other providers of health care goods or services.

''(II) Pharmacists, pharmacy benefit managers and purchasers.

''(III) Health maintenance organizations and other managed health care organizations.

''(IV) Health care insurers and governmental agencies.

''(V) Patients and consumers.

''(iii) To improve the quality of health care while reducing the cost of health care through—

''(I) an increase in the appropriate use of drugs, biological products, or devices; and

''(II) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

''(B) The conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices.

''(C) Such other activities as the Secretary determines to be appropriate, except that a grant may not be expended to assist the Secretary in the review of new drugs, biological products, and devices.

''(c) REDUCING ERRORS IN MEDICINE.—The Director shall conduct and support research and build private-public partnerships to—

''(1) identify the causes of preventable health care errors and patient injury in health care delivery;

''(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

''(3) disseminate such effective strategies throughout the health care industry.

"SEC. 913. INFORMATION ON QUALITY AND COST OF CARE.

''(a) IN GENERAL.—The Director shall—

''(1) conduct a survey to collect data on a nationally representative sample of the population on the cost, use and, for fiscal year 2001 and subsequent fiscal years, quality of health care, including the types of health care services Americans use, their access to health care services, frequency of use, how much is paid for the services used, the source of those payments, the types and costs of

private health insurance, access, satisfaction, and quality of care for the general population including rural residents and also for populations identified in section 901(c); and

''(2) develop databases and tools that provide information to States on the quality, access, and use of health care services provided to their residents.

''(b) QUALITY AND OUTCOMES INFORMATION.—

''(1) IN GENERAL.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

''(A) identify determinants of health outcomes and functional status, including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, measure changes over time, and monitor the overall national impact of Federal and State policy changes on health care;

''(B) provide information on the quality of care and patient outcomes for frequently occurring clinical conditions for a nationally representative sample of the population including rural residents; and

''(C) provide reliable national estimates for children and persons with special health care needs through the use of supplements or periodic expansions of the survey.

In expanding the Medical Expenditure Panel Survey, as in existence on the date of the enactment of this title in fiscal year 2001 to collect information on the quality of care, the Director shall take into account any outcomes measurements generally collected by private sector accreditation organizations.

''(2) ANNUAL REPORT.—Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people.

''SEC. 914. INFORMATION SYSTEMS FOR HEALTH CARE IMPROVEMENT.

''(a) IN GENERAL.—In order to foster a range of innovative approaches to the management and communication of health information, the Agency shall conduct and support research, evaluations, and initiatives to advance—

''(1) the use of information systems for the study of health care quality and outcomes, including the generation of both individual provider and plan-level comparative performance data;

''(2) training for health care practitioners and researchers in the use of information systems;

''(3) the creation of effective linkages between various sources of health information, including the development of information networks;

''(4) the delivery and coordination of evidence-based health care services, including the use of real-time health care decision-support programs;

''(5) the utility and comparability of health information data and medical vocabularies by addressing issues related to the content, structure, definitions and coding of such information and data in consultation with appropriate Federal, State and private entities;

''(6) the use of computer-based health records in all settings for the development of personal health records for individual health assessment and maintenance, and for monitoring public health and outcomes of care within populations; and

''(7) the protection of individually identifiable information in health services research and health care quality improvement.

''(b) DEMONSTRATION.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their care-givers.

''(c) FACILITATING PUBLIC ACCESS TO INFORMATION.—The Director shall work with appropriate public and private sector entities to facilitate public access to information regarding the quality of and consumer satisfaction with health care.

''SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDERSERVED AREAS.

''(a) PREVENTIVE SERVICES TASK FORCE.—

''(1) ESTABLISHMENT AND PURPOSE.—The Director may periodically convene a Preventive Services Task Force to be composed of individuals with appropriate expertise. Such a task force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous clinical preventive recommendations.

''(2) ROLE OF AGENCY.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Preventive Services Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

''(3) OPERATION.—In carrying out its responsibilities under paragraph (1), the Task Force is not subject to the provisions of Appendix 2 of title 5, United States Code.

''(b) PRIMARY CARE RESEARCH.—

''(1) IN GENERAL.—There is established within the Agency a Center for Primary Care Research (referred to in this subsection as the 'Center') that shall serve as the principal source of funding for primary care practice research in the Department of Health and Human Services. For purposes of this paragraph, primary care research focuses on the first contact when illness or health concerns arise, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

''(2) RESEARCH.—In carrying out this section, the Center shall conduct and support research concerning—

''(A) the nature and characteristics of primary care practice;

''(B) the management of commonly occurring clinical problems;

''(C) the management of undifferentiated clinical problems; and

''(D) the continuity and coordination of health services.

''SEC. 916. HEALTH CARE PRACTICE AND TECHNOLOGY INNOVATION.

''(a) IN GENERAL.—The Director shall promote innovation in evidence-based health care practices and technologies by—

''(1) conducting and supporting research on the development, diffusion, and use of health care technology;

''(2) developing, evaluating, and disseminating methodologies for assessments of health care practices and technologies;

''(3) conducting intramural and supporting extramural assessments of existing and new health care practices and technologies;

''(4) promoting education and training and providing technical assistance in the use of health care practice and technology assessment methodologies and results; and

''(5) working with the National Library of Medicine and the public and private sector to develop an electronic clearinghouse of currently available assessments and those in progress.

''(b) SPECIFICATION OF PROCESS.—

''(1) IN GENERAL.—Not later than December 31, 2000, the Director shall develop and publish a description of the methods used by the Agency and its contractors for health care practice and technology assessment.

''(2) CONSULTATIONS.—In carrying out this subsection, the Director shall cooperate and consult with the Assistant Secretary for Health, the Administrator of the Health Care Financing Administration, the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency, and shall seek input, where appropriate, from professional societies and other private and public entities.

''(3) METHODOLOGY.—The Director shall, in developing the methods used under paragraph (1), consider—

''(A) safety, efficacy, and effectiveness;

''(B) legal, social, and ethical implications;

''(C) costs, benefits, and cost-effectiveness;

''(D) comparisons to alternate health care practices and technologies; and

''(E) requirements of Food and Drug Administration approval to avoid duplication.

''(c) SPECIFIC ASSESSMENTS.—

''(1) IN GENERAL.—The Director shall conduct or support specific assessments of health care technologies and practices.

''(2) REQUESTS FOR ASSESSMENTS.—The Director is authorized to conduct or support assessments, on a reimbursable basis, for the Health Care Financing Administration, the Department of Defense, the Department of Veterans Affairs, the Office of Personnel Management, and other public or private entities.

''(3) GRANTS AND CONTRACTS.—In addition to conducting assessments, the Director may make grants to, or enter into cooperative agreements or contracts with, entities described in paragraph (4) for the purpose of conducting assessments of experimental, emerging, existing, or potentially outmoded health care technologies, and for related activities.

''(4) ELIGIBLE ENTITIES.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, third party payers, governmental agencies, minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions), and consortia of appropriate research entities established for the purpose of conducting technology assessments.

''(d) MEDICAL EXAMINATION OF CERTAIN VICTIMS.—

''(1) IN GENERAL.—The Director shall develop and disseminate a report on evidence-based clinical practices for—

''(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

''(B) the training of health professionals, in consultation with the Health Resources and Services Administration, on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

''(2) CERTAIN CONSIDERATIONS.—In identifying the issues to be addressed by the report, the Director shall, to the extent practicable, take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in paragraph (1), and of other appropriate public and private entities (including medical societies, victim services organizations, sexual assault prevention organizations, and social services organizations).

''SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.

''(a) REQUIREMENT.—

''(1) IN GENERAL.—To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all research, evaluations, and demonstrations related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

''(2) SPECIFIC ACTIVITIES.—The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to—

''(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;

''(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and health care quality improvement initiatives;

''(C) set specific goals for participating agencies and departments to further health services research and health care quality improvement; and

''(D) strengthen the management of Federal health care quality improvement programs.

''(b) STUDY BY THE INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—To provide Congress, the Department of Health and Human Services, and other relevant departments with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine—

''(A) to describe and evaluate current quality improvement, quality research and quality monitoring processes through—

''(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular attention paid to those under titles XVIII, XIX, and XXI of the Social Security Act; and

''(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and

''(B) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through—

''(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act and health services research programs;

''(ii) the strengthening of patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available; and

''(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various federal agencies.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the preparation—

''(i) not later than 12 months after the date of the enactment of this title, of a report providing an overview of the quality improvement programs of the Department of Health and Human Services for the medicare, medicaid, and CHIP programs under titles XVIII, XIX, and XXI of the Social Security Act; and

''(ii) not later than 24 months after the date of the enactment of this title, of a final report containing recommendations.

''(B) REPORTS.—The Secretary shall submit the reports described in subparagraph (A) to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives.

''PART C—GENERAL PROVISIONS

''SEC. 921. ADVISORY COUNCIL FOR HEALTHCARE RESEARCH AND QUALITY.

''(a) ESTABLISHMENT.—There is established an advisory council to be known as the National Advisory Council for Healthcare Research and Quality.

''(b) DUTIES.—

''(1) IN GENERAL.—The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the mission of the Agency under section 901(b).

''(2) CERTAIN RECOMMENDATIONS.—Activities of the Advisory Council under paragraph (1) shall include making recommendations to the Director regarding—

''(A) priorities regarding health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;

''(B) the field of health care research and related disciplines, especially issues related to training needs, and dissemination of information pertaining to health care quality; and

''(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members. All members of the Advisory Council shall be voting members other than the individuals designated under paragraph (3)(B) as ex officio members.

''(2) APPOINTED MEMBERS.—The Secretary shall appoint to the Advisory Council 21 appropriately qualified individuals. At least 17 members of the Advisory Council shall be representatives of the public who are not officers or employees of the United States and at least 1 member who shall be a specialist in the rural aspects of 1 or more of the professions or fields described in subparagraphs (A) through (G). The Secretary shall ensure that the appointed members of the Council, as a group, are representative of professions and entities concerned with, or affected by, activities under this title and under section 1142 of the Social Security Act. Of such members—

''(A) three shall be individuals distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care;

''(B) three shall be individuals distinguished in the fields of health care quality research or health care improvement;

''(C) three shall be individuals distinguished in the practice of medicine of which at least one shall be a primary care practitioner;

''(D) three shall be individuals distinguished in the other health professions;

''(E) three shall be individuals either representing the private health care sector, including health plans, providers, and purchasers or individuals distinguished as administrators of health care delivery systems;

''(F) three shall be individuals distinguished in the fields of health care economics, information systems, law, ethics, business, or public policy; and

''(G) three shall be individuals representing the interests of patients and consumers of health care.

''(3) EX OFFICIO MEMBERS.—The Secretary shall designate as ex officio members of the Advisory Council—

''(A) the Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Care Financing Administration, the Commissioner of the Food and Drug Administration, the Director of the Office of Personnel Management, the Assistant Secretary of Defense (Health Affairs), and the Under Secretary for Health of the Department of Veterans Affairs; and

''(B) such other Federal officials as the Secretary may consider appropriate.

''(d) TERMS.—

''(1) IN GENERAL.—Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years.

''(2) STAGGERED TERMS.—To ensure the staggered rotation of one-third of the members of the Advisory Council each year, the Secretary is authorized to appoint the initial members of the Advisory Council for terms of 1, 2, or 3 years.

''(3) SERVICE BEYOND TERM.—A member of the Council appointed under subsection (c)(2) may continue to serve after the expiration of the term of the members until a successor is appointed.

''(e) VACANCIES.—If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

''(f) CHAIR.—The Director shall, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

''(g) MEETINGS.—The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the Director or the chair.

''(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

''(1) APPOINTED MEMBERS.—Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council.

''(2) EX OFFICIO MEMBERS.—Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation for service on the Advisory Council in addition to the compensation otherwise received for duties carried out as officers of the United States.

''(i) STAFF.—The Director shall provide to the Advisory Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

''(j) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, the Advisory Council shall continue in existence until otherwise provided by law.

''SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.

''(a) REQUIREMENT OF REVIEW.—

''(1) IN GENERAL.—Appropriate technical and scientific peer review shall be conducted with respect to each application for a grant, cooperative agreement, or contract under this title.

''(2) REPORTS TO DIRECTOR.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report

its finding and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

''(b) APPROVAL AS PRECONDITION OF AWARDS.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under subsection (c).

''(c) ESTABLISHMENT OF PEER REVIEW GROUPS.—

''(1) IN GENERAL.—The Director shall establish such technical and scientific peer review groups as may be necessary to carry out this section. Such groups shall be established without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of such title that relate to classification and pay rates under the General Schedule.

''(2) MEMBERSHIP.—The members of any peer review group established under this section shall be appointed from among individuals who by virtue of their training or experience are eminently qualified to carry out the duties of such peer review group. Officers and employees of the United States may not constitute more than 25 percent of the membership of any such group. Such officers and employees may not receive compensation for service on such groups in addition to the compensation otherwise received for these duties carried out as such officers and employees.

''(3) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established under this section may continue in existence until otherwise provided by law.

''(4) QUALIFICATIONS.—Members of any peer-review group shall, at a minimum, meet the following requirements:

''(A) Such members shall agree in writing to treat information received, pursuant to their work for the group, as confidential information, except that this subparagraph shall not apply to public records and public information.

''(B) Such members shall agree in writing to recuse themselves from participation in the peer-review of specific applications which present a potential personal conflict of interest or appearance of such conflict, including employment in a directly affected organization, stock ownership, or any financial or other arrangement that might introduce bias in the process of peer-review.

''(d) AUTHORITY FOR PROCEDURAL ADJUSTMENTS IN CERTAIN CASES.—In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may make appropriate adjustments in the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made for the purpose of encouraging the entry of individuals into the field of research, for the purpose of encouraging clinical practice-oriented or provider-based research, and for such other purposes as the Director may determine to be appropriate.

''(e) REGULATIONS.—The Director shall issue regulations for the conduct of peer review under this section.

''SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO DEVELOPMENT, COLLECTION, AND DISSEMINATION OF DATA.

''(a) STANDARDS WITH RESPECT TO UTILITY OF DATA.—

''(1) IN GENERAL.—To ensure the utility, accuracy, and sufficiency of data collected by or for the Agency for the purpose described in section 901(b), the Director shall establish standard methods for developing and collecting such data, taking into consideration—

''(A) other Federal health data collection standards; and

''(B) the differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

''(2) RELATIONSHIP WITH OTHER DEPARTMENT PROGRAMS.—In any case where standards under paragraph (1) may affect the administration of other programs carried out by the Department of Health and Human Services, including the programs under title XVIII, XIX or XXI of the Social Security Act, or may affect health information that is subject to a standard developed under part C of title XI of the Social Security Act, they shall be in the form of recommendations to the Secretary for such program.

''(b) STATISTICS AND ANALYSES.—The Director shall—

''(1) take appropriate action to ensure that statistics and analyses developed under this title are of high quality, timely, and duly comprehensive, and that the statistics are specific, standardized, and adequately analyzed and indexed; and

''(2) publish, make available, and disseminate such statistics and analyses on as wide a basis as is practicable.

''(c) AUTHORITY REGARDING CERTAIN REQUESTS.—Upon request of a public or private entity, the Director may conduct or support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Amounts received by the Director under such arrangements shall be available to the Director for obligation until expended.

''SEC. 924. DISSEMINATION OF INFORMATION.

''(a) IN GENERAL.—The Director shall—

''(1) without regard to section 501 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable so as to maximize its use, the results of research, demonstration projects, and evaluations conducted or supported under this title;

''(2) ensure that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

''(3) promptly make available to the public data developed in such research, demonstration projects, and evaluations;

''(4) provide, in collaboration with the National Library of Medicine where appropriate, indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations with respect to health care to public and private entities and individuals engaged in the improvement of health care delivery and the general public, and undertake programs to develop new or improved methods for making such information available; and

''(5) as appropriate, provide technical assistance to State and local government and health agencies and conduct liaison activities to such agencies to foster dissemination.

''(b) PROHIBITION AGAINST RESTRICTIONS.—Except as provided in subsection (c), the Director may not restrict the publication or dissemination of data from, or the results of, projects conducted or supported under this title.

''(c) LIMITATION ON USE OF CERTAIN INFORMATION.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.

''(d) PENALTY.—Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than $10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected.

''SEC. 925. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.

''(a) FINANCIAL CONFLICTS OF INTEREST.—With respect to projects for which awards of grants, cooperative agreements, or contracts are authorized to be made under this title, the Director shall by regulation define—

''(1) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, create a bias in favor of obtaining results in the projects that are consistent with such interests; and

''(2) the actions that will be taken by the Director in response to any such interests identified by the Director.

''(b) REQUIREMENT OF APPLICATION.—The Director may not, with respect to any program under this title authorizing the provision of grants, cooperative agreements, or contracts, provide any such financial assistance unless an application for the assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out the program involved.

''(c) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF FUNDS.—

''(1) IN GENERAL.—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.

''(2) CORRESPONDING REDUCTION IN FUNDS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of the financial assistance involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Director. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(d) APPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO CONTRACTS.—Contracts may be entered into under this part without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529 and 41 U.S.C. 5).

''SEC. 926. CERTAIN ADMINISTRATIVE AUTHORITIES.

''(a) DEPUTY DIRECTOR AND OTHER OFFICERS AND EMPLOYEES.—

''(1) DEPUTY DIRECTOR.—The Director may appoint a deputy director for the Agency.

''(2) OTHER OFFICERS AND EMPLOYEES.—The Director may appoint and fix the compensation of such officers and employees as may be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their

compensation fixed in accordance with title 5, United States Code.

''(b) FACILITIES.—The Secretary, in carrying out this title—

''(1) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or portions of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed 10 years; and

''(2) may acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary.

''(c) PROVISION OF FINANCIAL ASSISTANCE.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

''(d) UTILIZATION OF CERTAIN PERSONNEL AND RESOURCES.—

''(1) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Director, in carrying out this title, may utilize personnel and equipment, facilities, and other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, and provide technical assistance and advice.

''(2) OTHER AGENCIES.—The Director, in carrying out this title, may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, or of any foreign government, with or without reimbursement of such agencies.

''(e) CONSULTANTS.—The Secretary, in carrying out this title, may secure, from time to time and for such periods as the Director deems advisable but in accordance with section 3109 of title 5, United States Code, the assistance and advice of consultants from the United States or abroad.

''(f) EXPERTS.—

''(1) IN GENERAL.—The Secretary may, in carrying out this title, obtain the services of not more than 50 experts or consultants who have appropriate scientific or professional qualifications. Such experts or consultants shall be obtained in accordance with section 3109 of title 5, United States Code, except that the limitation in such section on the duration of service shall not apply.

''(2) TRAVEL EXPENSES.—

''(A) IN GENERAL.—Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a), 5724a(c), and 5726(c) of title 5, United States Code.

''(B) LIMITATION.—Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment, or 1 year, whichever is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

''(g) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director, in carrying out this title, may accept voluntary and uncompensated services.

''SEC. 927. FUNDING.

''(a) INTENT.—To ensure that the United States investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportionate increase in health care research as the United States investment in biomedical research increases.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(c) EVALUATIONS.—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts made available pursuant to section 241 (relating to evaluations), an amount equal to 40 percent of the maximum amount authorized in such section 241 to be made available for a fiscal year.

''SEC. 928. DEFINITIONS.

''In this title:

''(1) ADVISORY COUNCIL.—The term 'Advisory Council' means the National Advisory Council on Healthcare Research and Quality established under section 921.

''(2) AGENCY.—The term 'Agency' means the Agency for Healthcare Research and Quality.

''(3) DIRECTOR.—The term 'Director' means the Director of the Agency for Healthcare Research and Quality.''.

(b) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Section 901(a) of the Public Health Service Act (as added by subsection (a) of this section) applies as a redesignation of the agency that carried out title IX of such Act on the day before the date of the enactment of this Act, and not as the termination of such agency and the establishment of a different agency. The amendment made by subsection (a) of this section does not affect appointments of the personnel of such agency who were employed at the agency on the day before such date, including the appointments of members of advisory councils or study sections of the agency who were serving on the day before such date of enactment.

(2) REFERENCES.—Any reference in law to the Agency for Health Care Policy and Research is deemed to be a reference to the Agency for Healthcare Research and Quality, and any reference in law to the Administrator for Health Care Policy and Research is deemed to be a reference to the Director of the Agency for Healthcare Research and Quality.

SEC. 3. GRANTS REGARDING UTILIZATION OF PREVENTIVE HEALTH SERVICES.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following section:

''SEC. 330D. CENTERS FOR STRATEGIES ON FACILITATING UTILIZATION OF PREVENTIVE HEALTH SERVICES AMONG VARIOUS POPULATIONS.

''(a) IN GENERAL.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall make grants to public or nonprofit private entities for the establishment and operation of regional centers whose purpose is to develop, evaluate, and disseminate effective strategies, which utilize quality management measures, to assist public and private health care programs and providers in the appropriate utilization of preventive health care services by specific populations.

''(b) RESEARCH AND TRAINING.—The activities carried out by a center under subsection (a) may include establishing programs of research and training with respect to the purpose described in such subsection, including the development of curricula for training individuals in implementing the strategies developed under such subsection.

''(c) PRIORITY REGARDING INFANTS AND CHILDREN.—In carrying out the purpose described in subsection (a), the Secretary shall give priority to various populations of infants, young children, and their mothers.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2004.''.

SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

''Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

''SEC. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

''(a) PAYMENTS.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

''(b) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

''(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

''(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

''(2) CAPPED AMOUNT.—

''(A) IN GENERAL.—The total of the payments made to children's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

''(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

''(c) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

''(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2); and

''(B) the average number of full-time equivalent residents in the hospital's graduate approved medical residency training programs (as determined under section

1886(h)(4) of the Social Security Act during the fiscal year.

''(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT GRADUATE MEDICAL EDUCATION.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

''(A) DETERMINATION OF HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the non-primary care per resident amount computed under section 1886(h)(2) of the Social Security Act for cost reporting periods ending during fiscal year 1997.

''(B) DETERMINATION OF WAGE AND NON-WAGE-RELATED PROPORTION OF THE SINGLE PER RESIDENT AMOUNT.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

''(C) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall establish a standardized per resident amount for each such hospital—

''(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

''(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital's area; and

''(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

''(D) DETERMINATION OF NATIONAL AVERAGE.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

''(E) APPLICATION TO INDIVIDUAL HOSPITALS.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount—

''(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

''(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

''(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

''(F) UPDATING RATE.—The Secretary shall update such per resident amount for each such children's hospital by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the midpoint of the hospital's cost reporting period that begins during fiscal year 2000.

''(d) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

''(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

''(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved graduate medical residency training programs; and

''(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

''(e) MAKING OF PAYMENTS.—

''(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

''(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

''(3) RECONCILIATION.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) DIRECT GRADUATE MEDICAL EDUCATION.—

''(A) IN GENERAL.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

''(i) for fiscal year 2000, $90,000,000; and

''(ii) for fiscal year 2001, $95,000,000.

''(B) CARRYOVER OF EXCESS.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall remain available for obligation through the end of fiscal year 2001.

''(2) INDIRECT MEDICAL EDUCATION.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

''(A) for fiscal year 2000, $190,000,000; and

''(B) for fiscal year 2001, $190,000,000.

''(g) DEFINITIONS.—In this section:

''(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved graduate medical residency training program' has the meaning given the term 'approved medical residency training program' in section 1886(h)(5)(A) of the Social Security Act.

''(2) CHILDREN'S HOSPITAL.—The term 'children's hospital' means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act.

''(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term 'direct graduate medical education costs' has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.''.

SEC. 5. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the appropriate agencies of the Public Health Service, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.

SEC. 6. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Secretary of Health and Human Services shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Secretary for responding to such issues.

SEC. 7. CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.

The Secretary of Health and Human Services shall, in consultation with the Administrator of the General Services Administration and other appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

THE YOUTH DRUG AND MENTAL HEALTH SERVICES ACT

FRIST AMENDMENT NO. 2507

Mr. GRAMM (for Mr. FRIST) proposed an amendment to the bill (S. 976) to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services children and adolescents, to enhance flexibility and accountability, to establish programs

for youth treatment, and to respond to crises, especially those related to children and violence; as follows:

On page 88, strike lines 20 through 24 and insert the following:

''(d) REPORT.—Not later than 3 years after the date of enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that describes the services provided pursuant to this section.

On page 90, between lines 8 and 9, insert the following:

SEC. 108. GRANTS FOR STRENGTHENING FAMILIES THROUGH COMMUNITY PARTNERSHIPS.

Subpart 2 of part B of Title V of the Public Health Service Act (42 U.S.C. 290bb-21 et seq) is amended by adding at the end the following:

''SEC. 519A. GRANTS FOR STRENGTHENING FAMILIES.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Director of the Prevention Center, may make grants to public and nonprofit private entities to develop and implement model substance abuse prevention programs to provide early intervention and substance abuse prevention services for individuals of high-risk families and the communities in which such individuals reside.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applicants that—

''(1) have proven experience in preventing substance abuse by individuals of high-risk families and reducing substance abuse in communities of such individuals;

''(2) have demonstrated the capacity to implement community-based partnership initiatives that are sensitive to the diverse backgrounds of individuals of high-risk families and the communities of such individuals;

''(3) have experience in providing technical assistance to support substance abuse prevention programs that are community-based;

''(4) have demonstrated the capacity to implement research-based substance abuse prevention strategies; and

''(5) have implemented programs that involve families, residents, community agencies, and institutions in the implementation and design of such programs.

''(c) DURATION OF GRANTS.—The Secretary shall award grants under subsection (a) for a period not to exceed 5 years.

''(d) USE OF FUNDS.—An applicant that is awarded a grant under subsection (a) shall—

''(1) in the first fiscal year that such funds are received under the grant, use such funds to develop a model substance abuse prevention program; and

''(2) in the fiscal year following the first fiscal year that such funds are received, use such funds to implement the program developed under paragraph (1) to provide early intervention and substance abuse prevention services to—

''(A) strengthen the environment of children of high risk families by targeting interventions at the families of such children and the communities in which such children reside;

''(B) strengthen protective factors, such as—

''(i) positive adult role models;

''(ii) messages that oppose substance abuse;

''(iii) community actions designed to reduce accessibility to and use of illegal substances; and

''(iv) willingness of individuals of families in which substance abuse occurs to seek treatment for substance abuse;

''(C) reduce family and community risks, such as family violence, alcohol or drug abuse, crime, and other behaviors that may effect healthy child development and increase the likelihood of substance abuse; and

''(D) build collaborative and formal partnerships between community agencies, institutions, and businesses to ensure that comprehensive high quality services are provided, such as early childhood education, health care, family support programs, parent education programs, and home visits for infants.

''(e) APPLICATION.—To be eligible to receive a grant under subsection (a), an applicant shall prepare and submit to the Secretary an application that—

''(1) describes a model substance abuse prevention program that such applicant will establish;

''(2) describes the manner in which the services described in subsection (d)(2) will be provided; and

''(3) describe in as much detail as possible the results that the entity expects to achieve in implementing such a program.

''(f) MATCHING FUNDING.—The Secretary may not make a grant to a entity under subsection (a) unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available non-Federal contributions in an amount that is not less than 40 percent of the amount provided under the grant.

''(g) REPORT TO SECRETARY.—An applicant that is awarded a grant under subsection (a) shall prepare and submit to the Secretary a report in such form and containing such information as the Secretary may require, including an assessment of the efficacy of the model substance abuse prevention program implemented by the applicant and the short, intermediate, and long term results of such program.

''(h) EVALUATIONS.—The Secretary shall conduct evaluations, based in part on the reports submitted under subsection (g), to determine the effectiveness of the programs funded under subsection (a) in reducing substance use in high-risk families and in making communities in which such families reside in stronger. The Secretary shall submit such evaluations to the appropriate committees of Congress.

''(i) HIGH-RISK FAMILIES.—In this section, the term 'high-risk family' means a family in which the individuals of such family are at a significant risk of using or abusing alcohol or any illegal substance.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

On page 90, line 9, strike ''SEC. 108'' and insert ''SEC. 109''.

On page 90, strike line 14 and insert ''as paragraphs (4) through (14), respectively;''.

On page 90, strike lines 17 through 19 and insert the following:

''(2) ensure that emphasis is placed on children and adolescents in the development of treatment programs;

''(3) collaborate with the Attorney General to develop programs to provide substance abuse treatment services to individuals who have had contact with the Justice system, especially adolescents;''; and

(3) in paragraph 14 (as so redesignated), by striking ''paragraph (11)'' and inserting ''paragraph (13)''.

On page 90, strike lines 20 through 24 and insert the following:

(b) OFFICE FOR SUBSTANCE ABUSE PREVENTION.—Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb-21(b)) is amended—

(1) by redesignating paragraphs (9) and (10) as (10) and (11);

(2) by inserting after paragraph (8), the following:

''(9) collaborate with the Attorney General of the Department of Justice to develop programs to prevent drug abuse among high risk youth;''; and

(3) in paragraph (10) (as so redesignated), by striking ''public concerning'' and inserting ''public, especially adolescent audiences, concerning''.

On page 108, line 1, strike ''physical or chemical''.

On page 108, line 3, strike ''Physical or chemical restraints'' and insert ''Restraints''.

Beginning on page 108, strike line 17 and all that follows through page 109, line 18, and insert the following:

''(c) DEFINITIONS.—In this section:

''(1) RESTRAINTS.—The term 'restraints' means—

''(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident; and

''(B) a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

''(2) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population if he or she desires.

On page 109, line 24, insert ''or in seclusion'' after ''restrained''.

Beginning on page 109, line 25, strike ''of the deceased'' and all that follows through ''placed in seclusion, or'' on page 110, line 1, and insert ''after the patient has been removed from restraints and seclusion, or''.

On page 111, line 8, strike ''582(a)'' and insert ''592(a)''.

On page 111, between lines 18 and 19, insert the following:

(a) RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.—Section 508(r) of the Public Health Service Act (42 U.S.C. 290bb-1(r)) is amended to read as follows:

''(r) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary to fiscal years 2000 through 2002.''.

On page 111, strike line 19 and insert the following:

''(b) PRIORITY SUBSTANCE ABUSE TREATMENT.—Section 509 of the Public Health''.

On page 112, line 1, strike ''508'' and insert ''509''.

On page 115, strike lines 11 through 17 and insert the following:

(c) CONFORMING AMENDMENTS.—The following sections of the Public Health Service Act are repealed:

(1) Section 510 (42 U.S.C. 290bb-3).

(2) Section 511 (42 U.S.C. 290bb-4).

(3) Section 512 (42 U.S.C. 290bb-5).

(4) Section 571 (42 U.S.C. 290gg).

On page 117, line 8, strike ''services'' and insert ''information and activities''.

Beginning on page 119, strike line 15 and all that follows through page 120, line 20.

On page 120, line 21, strike ''(b)'' and insert ''(a)''.

On page 121, line 3, strike ''(c)'' and insert ''(b)''.

On page 121, line 12, strike ''(d)'' and insert ''(c)''.

On page 122, line 1, strike ''(e)'' and insert ''(d)''.

On page 122, lines 5 and 6, strike ''prior to the fiscal year''.

On page 122, line 7, strike ''(f)'' and insert ''(e)''.

On page 122, line 12, strike ''(g)'' and insert ''(f)''.

On page 124, line 1, strike ''(h)'' and insert ''(g)''.

On page 129, line 1, strike ''(1) TENETS AND TEACHINGS.—A religious or-'' and insert ''(1) SUBSTANCE ABUSE.—A religious or-''.

On page 129, lines 5 through 7, strike ''adhere to the religious tenets and teachings of such organization, and such organization may require that those employees''.

On page 131, line 17, strike ''or agency'' and insert '', agency or official''.

On page 145, strike line 17, and insert the following: ''basis.

''(d) PARTICIPANTS.—The Secretary shall include among those interested groups that participate in the development of the plan consumers of mental health or substance abuse services, providers, representatives of political divisions of States, and representatives of racial and ethnic groups including Native Americans.''.

THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

COCHRAN (AND AKAKA) AMENDMENT NO. 2508

Mr. GRAMM (for Mr. COCHRAN (for himself, and Mr. AKAKA)) proposed an amendment to the bill (S. 1232) to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Erroneous Retirement Coverage Corrections Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ANNUITANT.—The term ''annuitant'' has the meaning given such term under section 8331(9) or 8401(2) of title 5, United States Code.

(2) CSRS.—The term ''CSRS'' means the Civil Service Retirement System.÷

(3) CSRDF.—The term ''CSRDF'' means the Civil Service Retirement and Disability Fund.

(4) CSRS COVERED.—The term ''CSRS covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than service subject to section 8334(k) of such title.

(5) CSRS-OFFSET COVERED.—The term ''CSRS-Offset covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(6) EMPLOYEE.—The term ''employee'' has the meaning given such term under section 8331(1) or 8401(11) of title 5, United States Code.

(7) EXECUTIVE DIRECTOR.—The term ''Executive Director of the Federal Retirement Thrift Investment Board'' or ''Executive Director'' means the Executive Director appointed under section 8474 of title 5, United States Code.

(8) FERS.—The term ''FERS'' means the Federal Employees' Retirement System.

(9) FERS COVERED.—The term ''FERS covered'', with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(10) FORMER EMPLOYEE.—The term ''former employee'' means an individual who was an employee, but who is not an annuitant.

(11) OASDI TAXES.—The term ''OASDI taxes'' means the OASDI employee tax and the OASDI employer tax.

(12) OASDI EMPLOYEE TAX.—The term ''OASDI employee tax'' means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI EMPLOYER TAX.—The term ''OASDI employer tax'' means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(14) OASDI TRUST FUNDS.—The term ''OASDI trust funds'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(15) OFFICE.—The term ''Office'' means the Office of Personnel Management.

(16) RETIREMENT COVERAGE DETERMINATION.—The term ''retirement coverage determination'' means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(17) RETIREMENT COVERAGE ERROR.—The term ''retirement coverage error'' means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986.

(18) SOCIAL SECURITY-ONLY COVERED.—The term ''Social Security-Only covered'', with respect to any service, means Government service that—

(A) constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410); and

(B)(i) is subject to OASDI taxes; but

(ii) is not subject to CSRS or FERS.

(19) SURVIVOR.—The term ''survivor'' has the meaning given such term under section 8331(10) or 8401(28) of title 5, United States Code.

(20) THRIFT SAVINGS FUND.—The term ''Thrift Savings Fund'' means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—This Act shall apply with respect to retirement coverage errors that occur before, on, or after the date of enactment of this Act.

(b) LIMITATION.—Except as otherwise provided in this Act, this Act shall not apply to any erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986.

SEC. 4. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) by an employee or any other individual under this Act shall be irrevocable.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employees and Annuitants Who Should Have Been FERS Covered, but Who Were Erroneously CSRS Covered or CSRS-Offset Covered Instead, and Survivors of Such Employees and Annuitants

SEC. 101. EMPLOYEES.

(a) APPLICABILITY.—This section shall apply in the case of any employee or former employee who should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered or CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described under paragraph (3). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS-Offset covered, such individual shall be treated as CSRS-Offset covered, retroactive to the date of the retirement coverage error.

(2) COVERAGE.—

(A) ELECTION.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or FERS covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election by the date provided under subparagraph (A), a CSRS-Offset covered individual shall remain CSRS-Offset covered and a CSRS covered individual shall be treated as CSRS-Offset covered.

(3) REGULATIONS.—The Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b).

(2) COVERAGE.—

(A) ELECTION.—

(i) CSRS-OFFSET COVERED.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(ii) THRIFT SAVINGS FUND CONTRIBUTIONS.—If under this section an individual elects to be CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of FERS coverage (and earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(B) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 208, and any amount not waived is repaid.

(C) INELIGIBILITY FOR ELECTION.—An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424 of title 5, United States Code, or a distribution under section 8433 (b), (c), or (h)(1)(A) of title 5, United States Code, may not make an election under this subsection.

(3) CORRECTIVE ACTION TO REMAIN IN EFFECT.—If an individual is ineligible to make an election or does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

SEC. 102. ANNUITANTS AND SURVIVORS.

(a) IN GENERAL.—This section shall apply in the case of an individual who is—

(1) an annuitant who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead; or

(2) a survivor of an employee who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead.

(b) COVERAGE.—

(1) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing an individual described under subsection (a) to elect CSRS-Offset coverage or FERS coverage, effective as of the date of the retirement coverage error.

(2) TIME LIMITATION.—An election under this subsection shall be made not later than 18 months after the effective date of the regulations prescribed under paragraph (1).

(3) REDUCED ANNUITY.—

(A) AMOUNT IN ACCOUNT.—If the individual elects CSRS-Offset coverage, the amount in the employee's Thrift Savings Fund account under subchapter III of chapter 84 of title 5, United States Code, on the date of retirement that represents the Government's contributions and earnings on those contributions (whether or not such amount was subsequently distributed from the Thrift Savings Fund) will form the basis for a reduction in the individual's annuity, under regulations prescribed by the Office.

(B) REDUCTION.—The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(4) REDUCED BENEFIT.—If—

(A) a surviving spouse elects CSRS-Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS-Offset benefit shall be subject to a reduction, under regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to under subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(5) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error may not make an election under this subsection unless repayment of that amount is waived in whole or in part under section 208, and any amount not waived is repaid.

(c) NONELECTION.—If the individual does not make an election under subsection (b) before any time limitation under this section, the retirement coverage shall be subject to the following rules:

(1) CORRECTIVE ACTION PREVIOUSLY TAKEN.—If corrective action was taken before the end of any time limitation under this section, that corrective action shall remain in effect.

(2) CORRECTIVE ACTION NOT PREVIOUSLY TAKEN.—If corrective action was not taken before such time limitation, the employee shall be CSRS-Offset covered, retroactive to the date of the retirement coverage error.

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, but Who Was Erroneously Social Security-Only Covered Instead

SEC. 111. APPLICABILITY.

This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

SEC. 112. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected, the corrective action previously taken shall remain in effect.

Subtitle C—Employee Who Should or Could Have Been Social Security-Only Covered but Who Was Erroneously CSRS-Offset Covered or CSRS Covered Instead

SEC. 121. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS OR CSRS-OFFSET COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered employee was erroneously CSRS covered or CSRS-Offset covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (3).

(2) COVERAGE.—In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such individual shall be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(3) ELECTION.—

(A) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain CSRS-Offset covered.

(C) REGULATIONS.—The Office shall prescribe regulations to carry out this paragraph.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b)(3).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered

or Social Security-Only covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

Subtitle D—Employee Who Was Erroneously FERS Covered

SEC. 131. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, CSRS COVERED, OR CSRS-OFFSET COVERED AND IS NOT FERS-ELIGIBLE, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered, CSRS covered, or CSRS-Offset covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (2).

(2) COVERAGE.—

(A) ELECTION.—

(i) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to remain FERS covered or to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would have applied in the absence of the erroneous retirement coverage determination, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(ii) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain FERS covered, effective as of the date of the retirement coverage error.

(3) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual elects to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under section 8351 or 8432 of title 5, United States Code.

(4) REGULATIONS.—Except as provided under paragraph (3), the Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under paragraph (2).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations to remain Social Security-Only covered, CSRS covered, or CSRS-Offset covered, or to be FERS covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2), the corrective action taken before the end of any time limitation under this subsection shall remain in effect.

(4) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

SEC. 132. FERS-ELIGIBLE EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, CSRS-OFFSET COVERED, OR SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY FERS COVERED INSTEAD WITHOUT AN ELECTION.

(a) IN GENERAL.—

(1) FERS ELECTION PREVENTED.—If an individual was prevented from electing FERS coverage because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act or the Federal Employees' Retirement System Open Enrollment Act of 1997 (Public Law 105–61; 111 Stat. 1318 et seq.), the individual—

(A) is deemed to have elected FERS coverage; and

(B) shall remain covered by FERS, unless the individual declines, under regulations prescribed by the Office, to be FERS covered.

(2) DECLINING FERS COVERAGE.—If an individual described under paragraph (1)(B) declines to be FERS covered, such individual shall be CSRS covered, CSRS-Offset covered, or Social Security-Only covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(b) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual declines to be FERS covered and instead is Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a FERS election, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(c) INAPPLICABILITY OF DURATION OF ERRONEOUS COVERAGE.—This section shall apply regardless of the length of time the erroneous coverage determination remained in effect.

SEC. 133. RETROACTIVE EFFECT.

This subtitle shall be effective as of January 1, 1987, except that section 132 shall not apply to individuals who made or were deemed to have made elections similar to those provided in this section under regulations prescribed by the Office before the effective date of this Act.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, but Who Was Erroneously CSRS Covered Instead

SEC. 141. APPLICABILITY.

This subtitle shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

SEC. 142. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected before the effective date of this Act, the corrective action taken before such date shall remain in effect.

Subtitle F—Employee Who Should Have Been CSRS Covered, but Who Was Erroneously CSRS-Offset Covered Instead

SEC. 151. APPLICABILITY.

This subtitle shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

SEC. 152. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected before the effective date of this Act, the corrective action taken before such date shall remain in effect.

TITLE II—GENERAL PROVISIONS

SEC. 201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

Government agencies shall take all such measures as may be reasonable and appropriate to promptly identify and notify individuals who are (or have been) affected by a retirement coverage error of their rights under this Act.

SEC. 202. INFORMATION TO BE FURNISHED TO AND BY AUTHORITIES ADMINISTERING THIS ACT.

(a) APPLICABILITY.—The authorities identified in this subsection are—

(1) the Director of the Office of Personnel Management;

(2) the Commissioner of Social Security; and

(3) the Executive Director of the Federal Retirement Thrift Investment Board.

(b) AUTHORITY TO OBTAIN INFORMATION.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this Act. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) AUTHORITY TO PROVIDE INFORMATION.—Each authority identified in subsection (a) may provide directly to any department or agency of the United States all information such authority believes necessary to enable the department or agency to carry out its responsibilities under this Act.

(d) LIMITATION; SAFEGUARDS.—Each of the respective authorities under subsection (a) shall—

(1) request or provide only such information as that authority considers necessary; and

(2) establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 203. SERVICE CREDIT DEPOSITS.

(a) CSRS DEPOSIT.—In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS-Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code, and regulations prescribed by the Office, shall be paid to the employee, the annuitant

or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8424(d) of title 5, United States Code.

(b) FERS DEPOSIT.—

(1) APPLICABILITY.—This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee owed a service credit deposit under section 8411(f) of title 5, United States Code; and

(B)(i) there is a subsequent retroactive change to CSRS or CSRS-Offset coverage; or

(ii) the service becomes creditable under chapter 83 of title 5, United States Code.

(2) REDUCED ANNUITY.—

(A) IN GENERAL.—If at the time of commencement of an annuity there is remaining unpaid CSRS civilian or military service credit deposit for service described under paragraph (1), the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) AMOUNT.—The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of the unreduced annuity benefit that would have been provided the individual.

(3) SURVIVOR ANNUITY.—

(A) IN GENERAL.—If at the time of commencement of a survivor annuity, there is remaining unpaid any CSRS service credit deposit described under paragraph (1), and there has been no actuarial reduction in an annuity under paragraph (2), the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) AMOUNT.—The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced survivor annuity benefit that would have been provided the individual.

SEC. 204. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) DEFINITIONS.—In this section, the term—

(1) ''covered individual'' means any employee, former employee, or annuitant who—

(A) is or was employed erroneously subject to CSRS coverage as a result of a retirement coverage error; and

(B) is or was retroactively converted to CSRS-offset coverage, FERS coverage, or Social Security-only coverage; and

(2) ''excess CSRS deduction amount'' means an amount equal to the difference between the CSRS deductions withheld and the CSRS-Offset or FERS deductions, if any, due with respect to a covered individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—

(1) IN GENERAL.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed a covered individual to report (in coordination with the Office of Personnel Management) in such form and within such timeframe as the Commissioner may specify, any or all of—

(A) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage; and

(B) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) COMPLIANCE.—The head of an agency or the Office shall comply with a request from the Commissioner under paragraph (1).

(3) WAGES.—For purposes of section 201 of the Social Security Act (42 U.S.C. 401), wages reported under this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1986.

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—

(1) IN GENERAL.—The Office shall transfer from the Civil Service Retirement and Disability Fund to the General Fund of the Treasury an amount equal to the lesser of the excess CSRS deduction amount or the OASDI taxes due for covered individuals (as adjusted by amounts transferred relating to applicable OASDI employee taxes as a result of corrections made, including corrections made before the date of enactment of this Act). If the excess CSRS deductions exceed the OASDI taxes, any difference shall be paid to the covered individual or survivors, as appropriate.

(2) TRANSFER.—Amounts transferred under this subsection shall be determined notwithstanding any limitation under section 6501 of the Internal Revenue Code of 1986.

(d) PAYMENT OF OASDI EMPLOYER TAXES.—

(1) IN GENERAL.—Each employing agency shall pay an amount equal to the OASDI employer taxes owed with respect to covered individuals during the applicable period of erroneous coverage (as adjusted by amounts transferred for the payment of such taxes as a result of corrections made, including corrections made before the date of enactment of this Act).

(2) PAYMENT.—Amounts paid under this subsection shall be determined subject to any limitation under section 6501 of the Internal Revenue Code of 1986.

(e) APPLICATION OF OASDI TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986 TO AFFECTED INDIVIDUALS AND EMPLOYING AGENCIES.—A covered individual and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period such individual was erroneously subject to CSRS coverage as a result of a retirement coverage error based on the payments and transfers made under subsections (c) and (d). No credit or refund of taxes on such wages shall be allowed as a result of this subsection.

SEC. 205. THRIFT SAVINGS PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) APPLICABILITY.—This section applies to an individual who—

(1) is eligible to make an election of coverage under section 101 or 102, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is described in section 111, and makes or has made retroactive employee contributions to the Thrift Savings Fund under regulations prescribed by the Executive Director.

(b) PAYMENT INTO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—

(A) PAYMENT.—With respect to an individual to whom this section applies, the employing agency shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a(a)(2) of such title on the employee's retroactive contributions to such Fund.

(B) AMOUNT.—Earnings under subparagraph (A) shall be computed in accordance with the procedures for computing lost earnings under section 8432a of title 5, United States Code. The amount paid by the employing agency shall be treated for all purposes as if that amount had actually been earned on the basis of the employee' s contributions.

(C) EXCEPTIONS.—If an individual made retroactive contributions before the effective date of the regulations under section 101(c), the Director may provide for an alternative calculation of lost earnings to the extent that a calculation under subparagraph (B) is not administratively feasible. The alternative calculation shall yield an amount that is as close as practicable to the amount computed under subparagraph (B), taking into account earnings previously paid.

(2) ADDITIONAL EMPLOYEE CONTRIBUTION.—In cases in which the retirement coverage error was corrected before the effective date of the regulations under section 101(c), the employee involved shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions (including any contributions made after the date of the correction) shall be treated in accordance with paragraph (1).

(c) REGULATIONS.—

(1) EXECUTIVE DIRECTOR.—The Executive Director shall prescribe regulations appropriate to carry out this section relating to retroactive employee contributions and payments made on or after the effective date of the regulations under section 101(c).

(2) OFFICE.—The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section relating to the calculation of lost earnings on retroactive employee contributions made before the effective date of the regulations under section 101(c).

SEC. 206. CERTAIN AGENCY AMOUNTS TO BE PAID INTO OR REMAIN IN THE CSRDF.

(a) CERTAIN EXCESS AGENCY CONTRIBUTIONS TO REMAIN IN THE CSRDF.—

(1) IN GENERAL.—Any amount described under paragraph (2) shall—

(A) remain in the CSRDF; and

(B) may not be paid or credited to an agency.

(2) AMOUNTS.—Paragraph (1) refers to any amount of contributions made by an agency under section 8423 of title 5, United States Code, on behalf of any employee, former employee, or annuitant (or survivor of such employee, former employee, or annuitant) who makes an election to correct a retirement coverage error under this Act, that the Office determines to be excess as a result of such election.

(b) ADDITIONAL EMPLOYEE RETIREMENT DEDUCTIONS TO BE PAID BY AGENCY.—If a correction in a retirement coverage error results in an increase in employee deductions under section 8334 or 8422 of title 5, United States Code, that cannot be fully paid by a reallocation of otherwise available amounts previously deducted from the employee's pay as employment taxes or retirement deductions, the employing agency—

(1) shall pay the required additional amount into the CSRDF; and

(2) shall not seek repayment of that amount from the employee, former employee, annuitant, or survivor.

SEC. 207. CSRS COVERAGE DETERMINATIONS TO BE APPROVED BY OPM.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 208. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) IN GENERAL.—The Director of the Office of Personnel Management may—

(1) extend the deadlines for making elections under this Act in circumstances involving an individual's inability to make a timely election due to a cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive payments required due to correction of a retirement coverage error under this Act.

(b) SIMILAR ACTIONS.—In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) JUDICIAL REVIEW.—Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) REPORT.—The Office of Personnel Management shall, not later than 180 days after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 209. REGULATIONS.

(a) IN GENERAL.—In addition to the regulations specifically authorized in this Act, the Office may prescribe such other regulations as are necessary for the administration of this Act.

(b) FORMER SPOUSE.—The regulations prescribed under this Act shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

TITLE III—OTHER PROVISIONS

SEC. 301. PROVISIONS TO AUTHORIZE CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—Sections 827 and 851 of the Foreign Service Act of 1980 (22 U.S.C. 4067 and 4071) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

SEC. 302. AUTHORIZATION OF PAYMENTS.

All payments authorized or required by this Act to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this Act, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS ACT.

Nothing in this Act shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this Act).

TITLE IV—TAX PROVISIONS

SEC. 401. TAX PROVISIONS.

(a) PLAN QUALIFICATION.—No retirement plan of the United States (or any agency thereof) shall fail to be treated as a qualified plan under the Internal Revenue Code of 1986 by reason of—

(1) any failure to follow plan terms as addressed by this Act; or

(2) any action taken under this Act.

(b) TRANSFERS.—For purposes of the Internal Revenue Code of 1986, no amount shall be includible in the gross income of any individual in any tax year by reason of any direct transfer under this Act between funds or any Government contribution under this Act to any fund or account in any such tax year.

TITLE V—MISCELLANEOUS RETIREMENT PROVISIONS

SEC. 501. FEDERAL RESERVE BOARD PORTABILITY OF SERVICE CREDIT.

(a) CREDITABLE SERVICE.—

(1) IN GENERAL.—Section 8411(b) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) in paragraph (4)—

(i) by striking ''of the preceding provisions'' and inserting ''other paragraph''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) a period of service (other than any service under any other paragraph of this subsection, any military service, and any service performed in the employ of a Federal Reserve Bank) that was creditable under the Bank plan (as defined in subsection (i)), if the employee waives credit for such service under the Bank plan and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)).

Paragraph (5) shall not apply in the case of any employee as to whom subsection (g) (or, to the extent subchapter III of chapter 83 is involved, section 8332(n)) otherwise applies.''.

(2) BANK PLAN DEFINED.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(i) For purposes of subsection (b)(5), the term 'Bank plan' means the benefit structure—

''(1) in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate; and

''(2) that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter).''.

(b) EXCLUSION FROM CHAPTER 84.—

(1) IN GENERAL.—Paragraph (2) of section 8402(b) of title 5, United States Code, is amended by striking the matter before subparagraph (B) and inserting the following:

''(2)(A) any employee or Member who has separated from the service after—

''(i) having been subject to—

''(I) subchapter III of chapter 83 of this title;

''(II) subchapter I of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); or

''(III) the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act; and

''(ii) having completed—

''(I) at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title;

''(II) at least 5 years of civilian service creditable under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); or

''(III) at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act,

determined without regard to any deposit or redeposit requirement under either such subchapter or under such benefit structure, or any requirement that the individual become subject to either such subchapter or to such benefit structure after performing the service involved; or''.

(2) EXCEPTION.—Subsection (d) of section 8402 of title 5, United States Code, is amended to read as follows:

''(d) Paragraph (2) of subsection (b) shall not apply to an individual who—

''(1) becomes subject to—

''(A) subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4071 et seq.) (relating to the Foreign Service Pension System) pursuant to an election; or

''(B) the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter); and

''(2) subsequently enters a position in which, but for paragraph (2) of subsection (b), such individual would be subject to this chapter.''.

(c) PROVISIONS RELATING TO CERTAIN FORMER EMPLOYEES.—A former employee of the Board of Governors of the Federal Reserve System who—

(1) has at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable

under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act;

(2) was subsequently employed subject to the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of chapter 84 of title 5, United States Code); and

(3) after service described in paragraph (2), becomes subject to and thereafter entitled to benefits under chapter 84 of title 5, United States Code,

shall, for purposes of section 302 of the Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 601) be considered to have become subject to chapter 84 of title 5, United States Code, pursuant to an election under section 301 of such Act.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) PROVISIONS RELATING TO CREDITABILITY AND CERTAIN FORMER EMPLOYEES.—The amendments made by subsection (a) and the provisions of subsection (c) shall apply only to individuals who separate from service subject to chapter 84 of title 5, United States Code, on or after the date of enactment of this Act.

(3) PROVISIONS RELATING TO EXCLUSION FROM CHAPTER.—The amendments made by subsection (b) shall not apply to any former employee of the Board of Governors of the Federal Reserve System who, subsequent to his or her last period of service as an employee of the Board of Governors of the Federal Reserve System and prior to the date of enactment of this Act, became subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, under the law in effect at the time of the individual's appointment.

SEC. 502. CERTAIN TRANSFERS TO BE TREATED AS A SEPARATION FROM SERVICE FOR PURPOSES OF THE THRIFT SAVINGS PLAN.

(a) AMENDMENTS TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting before section 8432 the following:

"§ 8431. Certain transfers to be treated as a separation

''(a) For purposes of this subchapter, separation from Government employment includes a transfer from a position that is subject to one of the retirement systems described in subsection (b) to a position that is not subject to any such system.

''(b) The retirement systems described in this subsection are—

''(1) the retirement system under this chapter;

''(2) the retirement system under subchapter III of chapter 83; and

''(3) any other retirement system under which individuals may contribute to the Thrift Savings Fund through withholdings from pay.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting before the item relating to section 8432 the following:

''8431. Certain transfers to be treated as a separation.''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 8351 of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8), and by adding at the end the following:

''(9) For the purpose of this section, separation from Government employment includes a transfer described in section 8431.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers occurring before, on, or after the date of enactment of this Act, except that, for purposes of applying such amendments with respect to any transfer occurring before such date of enactment, the date of such transfer shall be considered to be the date of enactment of this Act. The Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may prescribe any regulations necessary to carry out this subsection.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on the date of enactment of this Act.

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

HUTCHISON AMENDMENT NO. 2509

Mr. GRAMM (for Mrs. HUTCHISON) proposed an amendment to the bill (H.R. 3194) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike out all after the enacting clause and insert:

That, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: Provided further, That if the authorized program is a nationwide program, the Mayor may expend up to $17,000,000: Provided further, That if the authorized program is for a limited number of States, the Mayor may expend up to $11,000,000: Provided further, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $68,351,000; for the District of Columbia Court System, $16,154,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: Provided, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation

of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: Provided, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided further, That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as

follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $27,885,000 from local funds for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs; $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: Provided further, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): Provided, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: Provided, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: Provided, That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenues in an amount equal to the Productivity Bank financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by the Act entitled ''An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes'' (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled ''An Act To Establish A District of Columbia Armory Board, and for other purposes'' (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212; D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: Provided further, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking ''the total amount to which a member may be entitled'' and all that follows and inserting the following: ''the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $7,500 (beginning with 2000).''.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both

Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking '', not to exceed'' and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

''(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.''.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120 percent of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

(b) Notwithstanding the preceding subsection, if the Mayor, District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system

of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the heading ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based

personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by striking ''1999'' and inserting ''2000''; in subsection (b), by striking ''1999'' and inserting ''2000''; in subsection (i), by striking ''1999'' and inserting ''2000''; and in subsection (k), by striking ''1999'' and inserting ''2000''.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

''(2) CONDITIONS ON USE.—The reserve funds—

''(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

''(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

''(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

''(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.''.

(b) Section 202 of such Act (Public Law 104–8), as amended by subsection (a), is further amended by adding at the end the following:

''(k) POSITIVE FUND BALANCE.—

''(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

''(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

''(A) not more than 50 percent may be used for authorized non-recurring expenses; and

''(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.''.

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental

payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 1999) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293) is amended—

(1) by inserting ''and public charter'' after ''public''; and

(2) by adding at the end the following: ''Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of three individuals appointed by the Mayor of the District of Columbia and two individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.''.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking ''during the period'' and ''and ending 5 years after such date.''.

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: '', except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.''.

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority'') to the District of Columbia the sum of $18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: Provided, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority''), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking ''and administrative costs necessary to carry out this chapter''; and

(2) by striking the period at the end and inserting the following: '', and no monies in the Fund may be used for any other purpose.''.

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3–435(a)) is amended by striking the second sentence and inserting the following: ''The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e).''.

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3–435(c)) is amended by inserting after ''1997,'' the second place it appears the following: ''any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund,''.

(d) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO MISCELLANEOUS RECEIPTS OF TREASURY.—Section 16 of such Act (D.C. Code, sec. 3–435), as amended by subsection (b)(2), is further amended by inserting after subsection (c) the following new subsection:

''(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.''.

(e) RATIFICATION OF PAYMENTS AND DEPOSITS.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

SEC. 161. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties

and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 164. (a) AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—

(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS''—

(A) by striking ''existing lessees'' the first place it appears and inserting ''existing lessees of the Marina''; and

(B) by striking ''the existing lessees'' the second place it appears and inserting ''such lessees''.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) ADDITIONAL FUNDING FOR IMPROVEMENTS CARRIED OUT THROUGH CORPS OF ENGINEERS.—

(1) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of $3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) SOURCE OF FUNDS.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia.

(d) QUARTERLY REPORTS ON PROJECT.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

SEC. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled ''Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia'', approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

SEC. 166. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

''(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.''.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the ''Trustee'') shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the ''Agency'') relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

SEC. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 168. (a) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the ''Authority'') to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103–373)) is amended—

(1) in subsection (a)(1), by striking ''District of Columbia Financial Responsibility and Management Assistance Authority'' and inserting ''Mayor''; and

(2) in subsection (b)(1), by striking ''Authority'' and inserting ''Mayor''.

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including two charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with one exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of

people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

SEC. 173. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 174. WIRELESS COMMUNICATIONS. (a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding—

(A) judicial review under chapter 7 of title 5, United States Code (the Administrative Procedure Act), and the Communications Act of 1934;

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable Federal statutes; and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

SEC. 175. (a)(1) The first paragraph under the heading ''Community Development Block Grants'' in title II of H.R. 2684 (Public Law 106–74) is amended by inserting after ''National American Indian Housing Council,'' the following: ''$4,000,000 shall be available as a grant for the Special Olympics in Anchorage, Alaska to develop the Ben Boeke Arena and Hilltop Ski Area,''; and

(2) The paragraph that includes the words ''Economic Development Initiative (EDI)'' under the heading ''Community Development Block Grants'' in title II of H.R. 2684 (Public Law 106–74) is amended by striking ''$240,000,000'' and inserting ''$243,500,000''.

(b) The statement of the managers of the committee of conference accompanying H.R. 2684 is deemed to be amended under the heading ''Community Development Block Grants'' to include in the description of targeted economic development initiatives the following:

''—$1,000,000 for the New Jersey Community Development Corporation for the construction of the New Jersey Community Development Corporation's Transportation Opportunity Center;

''—$750,000 for South Dakota State University in Brookings, South Dakota for the development of a performing arts center;

''—$925,000 for the Florida Association of Counties for a Rural Capacity Building Pilot Project in Tallahassee, Florida;

''—$500,000 for the Osceola County Agriculture Center for construction of a new and expanded agriculture center in Osceola County, Florida;

''—$1,000,000 for the University of Syracuse in Syracuse, New York for electrical infrastructure improvements.''; and the current descriptions are amended as follows:

''—$1,700,000 to the City of Miami, Florida for the development of a Homeownership Zone to assist residents displaced by the demolition of public housing in the Model City area;'' is amended to read as follows:

''—$1,700,000 to Miami-Dade County, Florida for an economic development project at the Opalocka Neighborhood Center;'';

''—$250,000 to the Arizona Science Center in Yuma, Arizona for its after-school program for inner-city youth;'' is amended to read as follows:

''—$250,000 to the Arizona Science Center in Phoenix, Arizona for its after-school program for inner-city youth;'';

''—$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building on the grounds of the firefighters facility in Morea, Pennsylvania;'' is amended to read as follows:

''—$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building and other facilities and improvements on the grounds of the firefighters facility in Morea, Pennsylvania;''.

(c) Notwithstanding any other provision of law, the $2,000,000 made available pursuant to Public Law 105–276 for Pittsburgh, Pennsylvania to redevelop the Sun Co./LTV Steel Site in Hazelwood, Pennsylvania is available to the Department of Economic Development in Allegheny County, Pennsylvania for the development of a technology based project in the county.

(d) Insert the following new sections at the end of the administrative provisions in title II of H.R. 2684 (Public Law 106–74):

''FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATION

''SEC. 226. Section 542 of the Housing and Community Development Act of 1992 is amended—

''(1) in subsection (b)(5) by striking 'during fiscal year 1999' and inserting 'in each of the fiscal years 1999 and 2000'; and

''(2) in the first sentence of subsection (c)(4) by striking 'during fiscal year 1999' and inserting 'in each of fiscal years 1999 and 2000'.

''DRUG ELIMINATION PROGRAM

''SEC. 227. (a) Section 5126(4) of the Public and Assisted Housing Drug Elimination Act of 1990 is amended—

''(1) in subparagraph (B), by inserting after '1965;' the following: 'or';

''(2) in subparagraph (C), by striking '1937: or' and inserting '1937.'; and

''(3) by striking subparagraph (D).

''(b) The amendments made by subsection (a) shall be construed to have taken effect on October 21, 1998.''.

This title may be cited as the ''District of Columbia Appropriations Act, 2000''.

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA. The Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION. Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, November 3, 1999, in open session, to receive testimony on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 3, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 3, 1999, at 10:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 3, 1999, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, November 3, 1999, at 10 a.m. for a business meeting to consider pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions

be authorized to meet in executive session during the session of the Senate on Wednesday, November 3, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be authorized to conduct a hearing Wednesday, November 3, 10 a.m., hearing room (SD–406), to examine solutions to the policy concerns with respect to habitat conservation plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CALIFORNIA DESERT PROTECTION ACT ANNIVERSARY

● Mrs. FEINSTEIN. Mr. President, this week marks the fifth anniversary of the California Desert Protection Act, a bill I authored that was signed into law on October 31, 1994. This Act marked a watershed event for California and for the 2.8 million people who visit this pristine national treasure each year. This was the most extensive land-protection bill in U.S. history and protected the largest parcel of land in the continental U.S.

The bill was unique in many ways. It designated national park and Bureau of Land Management wilderness areas comprising more than 7.7 million acres, the highest category of federal protection. It also designated the Death Valley National Park and Joshua Tree National Park in areas that formerly fell under less protected ''national monument'' status and created the 1.6 million acre Mojave National Preserve.

At the time of its passage, the Desert Protection Act was the centerpiece of a long and contentious battle among a variety of different stakeholders. It faced enormous opposition from groups and individuals concerned about private property rights, grazing permits, mining claims, and access for off-road vehicle use. The bill took nearly eight years to pass over objections from miners, property owners, hunters, ranchers and off-road enthusiasts, who thought the legislation would restrict too much land and hurt business. I worked hard to craft a bill that protected private property rights and safeguarded the region's job base while preserving a treasured resource—the California Desert.

I am proud to say that after 5 years there has not been a single instance of a land transaction that did not involve a willing seller and willing buyer. Grazing has not been impeded and valid mining rights have been upheld. The 25 million acres of California desert remain a place of extraordinary beauty and diverse resources. There are soaring sand dunes, ninety mountain ranges, extinct volcanoes, streams, lakes, wildflowers, the world's largest Joshua Tree forest, waterfalls and cactus gardens.

The land also includes over 100,000 archeological sites, including the only-known dinosaur tracks in California, believed to be more than 100 million years old. More than 760 different wildlife species call the rugged California desert home. The protected land has aided in the recovery of the desert tortoise and has provided thousands of acres of needed habitat for big horn sheep.

The Death Valley National Park consists of more than 3.3 million acres of spectacular desert scenery, interesting and rare desert wildlife, complex geology, undisturbed wilderness and dozens of historical and cultural interest sites. It contains the lowest point in the Western hemisphere, the Death Valley badwater, which rests 282 feet below sea level. The Joshua Tree National Park comprises two deserts and vividly illustrates the contrast between high and low desert. Below 3000 feet, the eastern half of the park is the land of the creosote bush, smoke trees and occotillo. The higher, cooler and slightly wetter Western part is dominated by Joshua Trees.

But the crown jewel of the California Desert is the Mojave National Preserve whose geographical and wildlife diversity are practically unrivaled. The area contains eleven mountain ranges, four dry lakes, cinder cones, badlands, innumerable washes, mesas, buttes, lava tube caves, alluvial fans and one of California's most complex sand dune systems.

I would like to especially thank Mary Martin, the Mojave National Preserve Superintendent for her diligence and the commendable job she has done balancing the diverse needs of the Preserve with those of all the stakeholders who work and/or use the land.

The desert parks have attracted record numbers of tourists in recent years from across the globe. Tourism has increased the visibility of California's natural resources, created jobs for desert residents and brought additional income. In 1997, the three parks created more than 6,000 jobs and over $22 million in tax revenue from tourist expenditures.

The passage of the California Desert Protection Act has been one of my proudest accomplishments in the Senate. But there is still more work to be done.

To encourage out nation's westward expansion, in 1864 Congress gave the railroad industry every other section of land in a 50 mile swath in what is now the Mojave National Preserve and Joshua Tree National Park. Most of this remaining checkerboard arrangement of land is owned by the Catellus Development Corporation.

Earlier this year David Myers, the Executive Director of the Wildlands Conservancy, brokered a deal with Catellus to sell these lands at well below market value. Through David's hard work, The Wildlands Conservancy raised $25.5 million in private funding and donated land. The Catellus Corporation agreed to donate an additional $16.4 million in land.

Through the Federal Land and Water Conservation Fund the U.S. would acquire 487,000 acres of protected land. This includes 150,000 acres of Congressionally designated Wilderness areas, 87,000 acres in the Mojave National Preserve, 18,700 acres in Joshua Tree, land in Big Morongo, San Gorgonio wilderness, and the Kelso Dunes.

This acquisition would formalize rights-of-way over 165 jeep trails and dirt access roads leading to 3.7 million acres of land used for hunting, hiking, sightseeing, camping and recreational vehicle use.

The land includes the biggest cactus gardens in the world at the Bigelow Cholla Gardens.

The acquisition also includes one hundred miles of scenic lands and historic water stops along historic route 66 and would help to conserve one of the single most intact portions of America's ''Mother Road'' which provided many Americans their first look at the Golden State and became the source of much of America's western migration folklore.

The purchase is supported by an overwhelming majority of constituents in the 40th Congressional District including Republicans and Democrats alike and a broad coalition of interest groups from the Sierra Club to the National Rifle Association. This transaction would be one of the biggest land acquisitions in California history and one of the most substantial gifts ever to the American people.

It is my hope that we can take advantage of this rare opportunity to purchase these valuable lands and remove any remaining impediments for the millions of hikers, campers, and other recreationists who will continue to visit and enjoy this pristine area in the heart of California.

ASTEROID RESEARCH

● Mr. DOMENICI. Mr. President, I want to commend a group of New Mexicans who are achieving some phenomenal results. In fact, they're currently batting .500 and more. If they were baseball players they would be acclaimed on every sports page.

But instead of baseball, this group has discovered half of the comets that are currently visible through telescopes. One of their latest comet discoveries may be bright enough to see with binoculars next year. And it's probably safe to guess that the brightest of comets attracts an audience well in excess of those watching major league baseball.

Instead of baseball bats, they are using a telescope at the north end of White Sands Missile Range in New Mexico. This Lincoln Near-Earth Asteroid Research project is run by Lincoln Laboratory of the Massachusetts Institute of technology. A second telescope at the site started operations in the last week—that may boost their discoveries still further.

The project grew out of an Air Force study involving space surveillance. Now space surveillance isn't a new subject, but in this project they're using a new automated system with a highly sensitive electronic camera. It's a great tool for discovering objects that move in the heavens, like comets and asteroids. The performance of their system exceeds any competitor by at least ten times. Today, both the Air Force Office of Scientific Research and NASA provide the funding for this project.

Their asteroid batting average even exceeds their comet batting average. Since the first telescope started operation in March 1998, the project has accounted for about 70 percent of all the near-Earth asteroids that have ever been located. That's especially impressive since astronomers have been searching for such objects for over 60 years.

As they find these asteroids, they also project their future path through the heavens and explore any possibility for an impact with the Earth. In the course of their work, they've found four asteroids that might possibly approach Earth—but so far, careful evaluations of their probable future trajectories have shown that each of these objects should miss us. So, while the dinosaurs may have become extinct after an asteroid impact, so far our coast looks clear.

The project team is headed by Dr. Grant Stokes, a 1977 graduate of Los Alamos High School and a New Mexico native. Dr. Eric Pearce directs the team at White Sands. This team has truly revolutionized the art of finding comets and asteroids. I want to commend Dr. Stokes and Dr. Pearce along with their supporters at the Air Force and NASA. This large group of New Mexicans deserves the title of the world's best comet and asteroid hunting team.●

THE CITY OF BOSTON'S CRUSADE AGAINST CANCER

● Mr. KENNEDY. Mr. President, I welcome this opportunity to commend the city of Boston's Crusade Against Cancer and I commend our outstanding Mayor, Thomas M. Menino, for his leadership on this excellent program. Donald Gudaitis, the chief executive officer of the American Cancer Society's New England Division, has called the Crusade Against Cancer, ''the most visionary public health initiative ever undertaken in any city around the prevention and early detection of cancer.''

Through innovative measures such as giving city employees time off for cancer screenings, Boston's Crusade Against Cancer uses a small public investment to create a large public health payoff. It may well serve as a model for communities throughout the nation.

Boston's program provides essential preventive care to the city's low income and minority communities, who are hit disproportionately hard by the ravages of cancer. Many members of these communities are neglected by HMOs and private insurers and might otherwise never receive a cancer screening.

Nearly a quarter of the women using the program's mobile mammography van were receiving a mammogram for the very first time. Since early detection is a critical factor in the successful treatment of cancer, these preventive screenings are literally a lifesaver for many Bostonians. Boston's program has gained nationwide attention and was described in a recent article in the New York Times. I believe the article will be of great interest to all of us in Congress and I ask that it be printed in the RECORD.

The article follows:

[From the New York Times, Nov. 2, 1999]

BOSTON BATTLES CANCER WITH A CITYWIDE MAILING

(By Carey Goldberg)

BOSTON, NOV. 2—Cities often undertake campaigns to fight crime or litter.

This city is fighting what health officials call its No. 1 killer: cancer.

Over the last few days, every household in Boston, in theory, has been mailed a brochure describing how to prevent cancer and to detect it early if it develop.

The quarter-million English-and-Spanish brochures, Boston's largest public health mailing ever, are the flashiest element of the city's ''crusade against cancer,'' but they are only one of many.

Boston's municipal employees are allowed to take four hours off each year for cancer screening—a rule that city officials say was the only one of its kind until Springfield, Mass, adopted a similar rule last week.

Over the last several months, about 1,600 chemotherapy patients have been given free rides to and from their sessions, thanks to hospitals and taxis participating in the city's crusade.

Other cities and states run anti-cancer programs as does the federal government. But overall, said Donald J. Gudaitis, chief executive officer of the American Cancer Society's New England division. ''This is the most visionary public health initiative ever undertaken in any city around prevention and early detection of cancer.''

Such a campaign may seem logical at a time when the death rate from heart disease has been dropping and cancer, the nation's No. 2 cause of death, kills more than half a million Americans every year.

But Mr. Gudaitis attributed the anticancer campaign in Boston to a particular asset: a personally interested mayor.

Mayor Thomas M. Menino's father died of prostate cancer, and the mayor, who does not normally play up his personal life, said in a telephone interview that he saw his father ''go from a big brawny guy to 70 pounds.''

''And you ask yourself, why?'' Mayor Menino added. ''I want to try to help other people out.''

In particular, it seems, he wants to help the poor. Boston, like many other cities, has found that cancer death rates are especially high in poor and minority neighborhoods. Patchy health care makes poor people less likely to have checkups for cancer and thus more likely to die from it.

More than a year ago, Mayor Menino convened a panel of medical experts and cancer survivors to help decide what to do. The process, which led to the crusade against cancer, is continuing, said John Rich, medical director of the Boston Public Health Commission. But the panel established three initial goals: that all Boston households, receive information on cancer prevention, that all Bostonians receive appropriate screenings and that all cancer patients have transportation to and from treatment sessions.

Transportation may seem minor compared with the first two goals but not to chemotherapy patients, said Maureen Sullivan, vice president of the Massachusetts Bay region of the American Cancer Society who is a cancer survivor. It might not be bad getting to chemotherapy sessions, but, Ms. Sullivan added, ''Let me tell you, coming home can be really awful, and not only for you but for everyone else on that bus with you.''

Boston has introduced other help on wheels, a mobile mammography van that has been booked solid since it began six months ago. Officials say the city is fighting cancer in small ways as well—supplying sunscreen to its outdoor workers, for example—and in bigger ones: Mayor Menino supported a ban on smoking in Boston restaurants, despite heavy opposition from restaurateurs. The program includes television advertising and a new city agency, the Office of Cancer Prevention.

The campaign costs little, Mr. Menino said, perhaps, $100,000 for the mammography van, about $250,000 for the brochures and nothing for the transportation and time off.

Asked why Boston is undertaking an anticancer campaign now, when the disease has killed millions for decades, those involved cited two factors: the accumulation of research finding on cancer prevention and widespread disillusionment with the prevention promise offered by health maintenance organizations.

''If we look at the actual synthesis and explosion, if you will, of information on the relationship between life-style factors and cancer in the last 20 years, it really has moved beyond just smoking as a major cause,'' said Dr. Graham Colditz, director of education at the Harvard Center for Cancer Prevention, which is participating in the campaign.

Dr. Colditz said the center had determined that at least 50 percent of cancer cases could be prevented through behavioral changes alone. The screenings could also prevent deaths among those whose cancer would be detected early, he said.

The brochure advises people to eat a healthy diet, to get at least 30 minutes of physical activity every day, to keep their weight down, to drink less alcohol, to avoid smoking, to avoid sexually transmitted diseases and to protect themselves from the sun.

None of that was news to Mary Caulfield, a 58-year-old retired resident of the Dorchester section of Boston. But, Ms. Caulfield said, ''I think a lot of newcomers, foreigners, probably don't understand even things like immunizations.''

The Boston anticancer program is impressive, Sandra Mullin, spokeswoman for the New York City Department of Health, said upon hearing it described. New York does not give municipal employees time off for screenings, Ms. Mullin said, though it periodically includes reminders of the need for screenings in employees' paychecks, and it has a program to encourage exercise at lunch.

While New York has done no blanket mailing and is not as involved in cancer screening, it does provide cancer information through mobile health vans, Ms. Mullin said. The city focuses some of its other anticancer efforts on antismoking programs and on making sure that managed care plans screen Medicaid patients for cancer.

What the Boston campaign will try next remains under discussion. Among some ideas mentioned: persuading private employers to give employees four hours off for cancer screening, making it easier for Bostonians to bicycle or job to work and making programs that help smokers quit available to anyone who wants them.

As for immediate results, Mayor Menino said that the four hours off for screening had already led to the early detection of some cancer and that nearly 5 percent of the women who used the mammography van had found suspicious lumps. Nearly one-fourth of those who used the van said the mammogram was their first, the mayor added.

For the most part, the campaign is expected to yield only gradual results. Certainly, the immediate effect of the brochure mailing seemed a bit underwhelming: Of more than a dozen people interviewed on the streets of Dorchester, most said they had paid little if any attention to the brochure, although some said they had set it aside to read later.

''Sometimes I'm just too tired to read,'' said Esther Ellis, 72, who nonetheless was having her annual mammogram at a local health center. ''I just leave it to God. God respects my body.''

Jose Navarro, a flea market vendor, said he did not recall getting the brochure. But when he read it in Spanish on the spot, he expressed surprise at what he learned.

''Drinking?'' he exclaimed. ''I know it's bad for you, I know it's bad for your liver, but I didn't know it causes cancer.''

David Sheets, a 45-year-old friend of Mr. Navarro, said that he had saved the brochure at his South End home to read later but that the idea of cancer ''doesn't bother me yet.''

''My mother died of it, my father died of it,'' Mr. Sheets said. ''It doesn't faze me.''

He smokes and refuses to quit, he said. Then, referring to cancer, he added, ''I just think that it won't happen to me.''●

RECOGNIZING THE MT. BAKER PTA

● Mr. GORTON. Mr. President, I take the floor today to applaud the members and volunteers of the Mt. Baker Parent-Teacher Association that have successfully raised over $100,000 for its schools. Mt. Baker is a small, rural community just south of the Canadian border that lacks a sufficient tax-base to cover the costs of buying new technology for its schools.

In an effort to raise funds to purchase up-to-date resources for their students, volunteers from the PTA opened a small restaurant with their own time and resources. To date, this venture has provided over $100,000 to improve education in Mt. Baker. For that reason, I am pleased to present one of my Innovation in Education Awards to the Mt. Baker PTA.

In January of 1989, 20 parents took out a loan and purchased a run-down restaurant booth at the Northwest Washington Fair Grounds. Parents and volunteers spent countless hours cleaning and preparing the restaurant for its opening in March of 1989. For the past 10 years, volunteers and parents have worked at hundreds of community events to feed the fairground visitors, raising money that funded new research and learning equipment for math and science students, field trips across western Washington, and countless other tools for learning that have enhanced the education at all Mt. Baker schools.

The volunteers at the Mt. Baker PTA demonstrate that local educators and parents know what their students need to succeed and deserve the freedom and flexibility in the Federal education funds to better educate their children.

The innovative thinking and hard work of the Mt. Baker community teaches its students of the importance of a good education and how a community can work together to achieve a common goal. The Mt. Baker PTA is an example for all of us to follow. I hope that my colleagues will join me in commending the people of this community for their hard work to improve the education for their children.●

IN RECOGNITION OF LUIS ALBERTO ROBLES PADILLA, JR.

● Mr. BINGAMAN. Mr. President, on September 9, 1999, I had the pleasure to be one of the keynote speakers at the Sixth Annual Scholarship Awards Banquet sponsored by the Hispanic College Fund, Inc. The Hispanic College Fund selects a student among the group of scholarship recipients to convey remarks on their behalf at the Annual Awards Banquet. Mr. Luis Robles, who attends Stanford University, where I attended Law School, spoke to the crowd of over one hundred people which included Members of Congress, Hispanic Business Leaders, friends of the Hispanic College Fund and family members of the award recipients.

Even though Louis is not from my home state of New Mexico, I feel that it is important to recognize the dedication, hard work, and commitment that this young man has undertaken in his academics and in his life despite great adversity. The remarks that Luis made to those in attendance that night left the room in utter silence. His remarks, and those of the teacher who nominated him for the scholarship, show that nothing in life is unattainable. This young man serves as an example that if you believe in yourself, believe in hard work, and believe you can achieve your goals, you can do anything and be anyone you want to be.

Mr. President, I respectfully ask that the attached statement which Mr. Robles made to the Sixth Annual Scholarship Awards Dinner and that of his teacher, Mr. David Layton, be printed in the CONGRESSIONAL RECORD.

The statement follows:

REMARKS BY LUIS ALBERTO ROBLES

I remember the day well . . . a few weeks after weeks after Thanksgiving in 1986. The gray Seattle morning smelled like drizzle as my father, Luis, and my mother, Maria, escorted me along evergreen-lined 8th street, to the school bus stop for the very first time. The other children laughed and frolicked. But without knowing English, without knowing what they said, my parents and I only stared in wonder.

Next thing I know the enormous school bus is pulling away, with me on board: frightened and alone. Hot tears streamed down my cheeks. The window was cold against my nose. My parents smiled worriedly, waved, and off I went . . . to Cherry Crest Elementary.

I had no idea what the future held.

I had no idea what graduation was, let alone college.

I had no idea that some day in the distant future I would standing here before you tonight.

Good evening.

Buenas Tardes.

My name is Luis Alberto Robles Padilla, Jr. I am a sophomore majoring in Industrial engineering at Stanford University. I feel very privileged to join you tonight, and am honored to be speaking on behalf on this year's scholarship recipients.

On their and my behalf, I would like to offer a heartfelt thanks to the Hispanic College Fund, the corporate sponsors, the Board of Trustees, and American Airlines.

I would also like to thank the Lockheed Martin Corporation, in particular, for my scholarship. The scholarship is a tremendous help to my family, and I am truly thankful.

I would also like to share a part of my story: personal experiences that have shaped my life, ideas that have shaped what I believe, and people that have made me into the person that I am today. I will begin on December 17th, 1997, my 17th birthday:

''Dr. Johnson. . . . Dr. Johnson. . . .'' As I wearily walked down the artificially lit corridor, I realized someone was paging my father's doctor. I turned and ran towards the intensive care unit that I had left only a few minutes ago, towards my terrified mother and toward my father's labored breathing. The sterilized odor of Harrison Memorial Hospital overwhelmed me as I raced through a maze of white walls to confront his death.

After bolting through heavy metal doors, I saw doctors and nurses rushing frantically around the room. I could only hear one sound. It filled the air, was audible above all the commotion, and drowned out the heavy pounding of my heart. The monotonous beep of the monitor meant ''Pappy'' was gone forever.

While sitting next to him, a body drained of the warmth and energy I had always known, I focused at the crimson drops that stained the yellow linoleum floor and the crisp white sheets; slowly remembering what a terrible ordeal the past six weeks of hospitalization had been. My life had changed forever since the day I sped through traffic, with my Dad shivering in the back seat next to my worried mother. I was scared to death without even knowing that the killer was Leukemia.

Although the chemotherapy proceeded well, it also gradually wore my father away. The first side effects were a loss of appetite, accompanied by nausea and vomiting. His hair fell out next, and I could tell my father's courage was beginning to waver. A look of

pain and anguish had replaced his usual smile, and with each passing day, he looked more like my grandfather. It all seemed like a bad dream, both frightful and surreal.

While packing his belongings, hours after he had passed away, I found a note intended for me. It was in Father's handwriting; blurry scribbles because the medicine made his hands shake. I sat down and cried because it said in Spanish, ''ya es tiempo de luchar,'' which means, ''it is time to take up the struggle.''

The poem he wrote to me, titled ''Oda a mi Hijo,'' ''Ode to my Son'' goes like this:

Quiero cantarte una cancion,
(I want to sing you a song)
Desde lo mas profundo de mi alma,
(From the deepest part of my soul)
Brisa suave, que refresca y calma,
(Soft breeze that refreshes and soothes)
Tu tierra fecunda que riega mi oracion.
(Your fertile soil that showers my prayer)
El agua se hizo luz y dio una planta,
(The water turned to light and created a plant)
La tierra hecha vida, dio on rosal con un boton,
(The soil transformed into life and bore a rose in full blossom)
Carne de dos almas hecha con amor,
(Flesh from two souls, made with love)
Fue la suave brisa, que refresca y canta.
(It was the soft breeze that refreshes and sings)
Con el correr de los años, pajaro se volvio,
(As the years passed, it transformed into a bird)
Dejar el nido quiere, hace el intento de volar,
(Yearning to leave the nest, it attempts to fly)
La brisa, el amor, el cielo derramo,
(The breeze, the love, the heavens overflowed)
El destino esta en tus manos, ya es tiempo de luchar.
(Destiny is in your hands, its time to take up the struggle)

I find it hard to understand Dad's absence, and that he left exactly on my seventeenth birthday. But though I miss him everyday, I am grateful for all the time we spent together and everything my father taught me. Through my family's Mexican restaurant, he showed me what Hispanic business leadership is: hard work, dedication, and most importantly, helping others and the community.

My father pointed me in the right direction, and made me believe in myself. There is good in this beautiful world, and life will always receive my best effort. Rather than cause embarrassment, my heritage will always instill pride within me, and I will succeed. I know he is proud of me.

Ultimately, by succeeding I hope to influence other Hispanics. When I look at many of my Hispanic peers, I see them giving up on school, giving up bright futures, and giving up their dreams. Their intellectual capacity has nothing to do with it, and the issue is complicated, yet they also do not have the support or the opportunities.

At this point, I would like to thank my parents for their unending love, my family for their constant encouragement, and all of my friends for their help and support. I would also like to thank Mr. Paul Torno, who worked with me even after retiring. Special thanks to Mr. David Layton . . . . even though I lost my father, a great man and teacher, I am lucky to have found another great teacher, another great man. Finally, I thank my mother, an incredibly brave and strong woman. Most of all, however, I thank God all the blessings.

I and the other scholarship recipients, as well as countless other Hispanics, are yearning to fly . . . trying to fly . . . learning to fly . . .

Once again, I would like to thank the Hispanic College Fund, and its sponsors.

We want to demonstrate that anything is possible by working hard and following our dreams.

We want to see more Hispanics graduating from high school and college.

We want to have more Hispanics in business and government positions.

We want to truly thank all of you for helping us strive towards our goals.

Thank you and good night.

March 25, 1999.

TO WHOM IT MAY CONCERN, Luis Robles has asked me to recommend him for acceptance for your scholarship. Few tasks will be as easy for me to do. I have known him as a student for two years in both honors history and honors English classes so I feel quite qualified to speak about his application.

It is impossible for me to recommend Luis without telling his story first. No other student in my 19 years of teaching has accomplished more with such adversity. An only child of immigrants from Mexico, Luis learned more than values from his parents; he learned who he was, who he could become, and what he could give back to his community. His father ran a small restaurant on our island and hired family and friends who needed work; but to keep dreams alive he insisted they go to night school and paid their tuition if they maintained a B. This pride and dignity wrapped in such strong humor are his legacy. Tragically last year his father died of Leukemia in his son's arms on his son's 17th birthday. As the only one who spoke clear English, Luis sold the restaurant, managed his mother's accounts, supported her till she finished her AA degree, and found work at the local hospital.

His commute to Bainbridge is 60–80 minutes each way. But he knew what he wanted—to be blunt we run one of the hardest programs in the state. He has aced every honors or AP course we offer. His maturity is beyond his years. He seeks out criticism and he listens and grows with suggestions. Specifically he has worked hard on his writing knowing that here his voice needs to be clear and purposeful. In both independent and group projects, Luis has had the discipline and creativity to make the connections between ideas, events, and more importantly to things in his own life. His work has shown original thought and a true conviction to understand the complications of individuals struggling to find meaningful solutions to their problems. Luis embodies the belief that this is his life, his chance to make a difference, his chance to give back far more than he takes. Make no mistake, he will take advantage of all you offer.

Luis has shared with my family the poetry his father wrote and the poems he has now written back. It is his genuineness that I wish to commend most. His 4.0 G.P.A. has been matched, the high marks on the SAT equaled, but none have his vision.

It should be obvious how strongly I feel about Luis; his heart separates him from the rest. If you have the chance to talk with him, you will understand.

Sincerely,

DAVID LAYTON,
Faculty, Honors Program.●

HONORING ANNE KANTEN

● Mr. WELLSTONE. Mr. President, I speak today to say a few words about a remarkable farm leader and humanitarian, Anne Kanten.

Anne has served for 18 years on the board of directors of the Farmers Legal Action Group (F.L.A.G.), a non-profit law firm based in St. Paul, Minnesota, and dedicated to helping family farmers obtain economic and social justice. I salute Anne Kanten for her enlightened guidance to F.L.A.G. during her years as a director and her years on the board. But far more than that, I want to take this moment to acknowledge Anne Kanten's lifetime of service to others.

Anne served as Minnesota's Deputy Commissioner of Agriculture and as Chief Administrator of the Minnesota Farm Advocate Program during the years of farm crisis in the 1980's. She was a founding member of the American Agriculture Movement who, with her husband Chuck and son Kent, helped plan and carry out the Washington, DC Tractorcade of 1979. In addition, Anne has been a long time spokesperson for stewardship of the land and its people through her various leadership roles in her church.

Her efforts to achieve justice for farm families continue to this day.

Anne Kanten grew up on an Iowa farm, the daughter of immigrants who came to our country in pursuit of a better life. By her own admission, she longed to escape the 1930's Depression of her rural childhood. After attending college and becoming a teacher, Anne became re-connected to the land when she married Chuck Kanten, a young farmer from Milan, Minnesota. Anne and Chuck Kanten represent the best of American Life. They raised a wonderful family on their farm home. They believe strongly in giving of themselves.

I consider myself honored and fortunate to count Anne Kanten as my friend. I ask the Senate today to join me in recognizing Anne Kanten for her years of service to the Farmers Legal Action Group and to farm families everywhere.●

DELAWARE WELL REPRESENTED AT AMERICAN CANCER SOCIETY GOLF CHAMPIONSHIP

● Mr. BIDEN. Mr. President, I rise today to salute four Delaware golfers who continue to make the citizens of my State proud.

Last June, Margaret Butler, Mary Kaczorowski, Joyce Ruddick and Alice Wooldridge played in and won the

American Cancer Society Golf Championship at Maple Dale Country Club in Dover, Delaware. They then advanced to the Mid-Atlantic Championship at The Homestead in Hot Springs, Virginia and won the Delaware State Title in Division 3. And on December 3rd and 4th, they will be representing Delaware and looking to continue their winning ways at the P.G.A. West in LaQuinta, California.

Having talked with members of this foursome on a few occasions, it is clear to me that these women take their golf quite seriously. Together, they embody the spirit of competition and sportsmanship and are fine examples of personal achievement and Delaware pride. But most importantly, these women realize that their participation in this event helps to raise essential funding for cancer research and programs. Millions of Americans suffer from cancer-related illnesses, and events like these give us all hope for finding a cure.

While I acknowledge that I may be a bit biased in my viewpoint, I also know a group of champions when I see them. I, among many, believe that talent is often overrated and that character is the true determining factor for any success one has in life.

I have seen these women drive a golf ball and I can confidently say that both talent and character reign supreme for this team. It is therefore my pleasure to extend to them my deep expression of thanks for having represented Delaware so well this year and, as they prepare for their biggest challenge to date, to wish them continued success in the National tournament.

We in Delaware are very proud of these four women, and we will be rooting for them!●

IN HONOR OF REVEREND MONSIGNOR ANDREW P. LANDI

● Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Reverend Monsignor Andrew P. Landi, a son of New York and internationally known humanitarian, who was taken from us this past September. He was 92.

Monsignor Landi was the retired assistant executive director and of Catholic Relief Services in New York City from 1966 to 1979. Upon of his retirement he was named assistant treasurer, a position he held until the time of his death. Monsignor devoted himself to the service of the poor and disposed throughout the world regardless of race, creed, or nationality.

Catholic Relief Services was founded in 1943 by the Catholic Bishops of the United States to alleviate suffering by removing its causes and promoting social justice beyond our boarders. Their mission is to aid in the development of people by fostering charity and justice throughout the world. Monsignor Landi's devotion to this mission was ceaseless.

At a time when we are increasingly egocentric, we would do well to remember a man whose ministry to the disadvantaged was distinguished as a no other for faithful and untiring service. I wish to highlight the central role he played as a petitioner for overseas relief activities to numerous Federal agencies and Congress. He met with nearly every Pope since Pope Pius XII and counted Mother Teresa among his friends.

This champion of the downtrodden was sent to Rome in 1944 to minister to the victims of World War II. He spent the next two decades providing haven to refuges of civil strife and natural disasters. He was named the Regional Director of the Catholic Relief Services for Europe, the Middle East, and North Africa in 1962.

Monsignor Landi began his vocation as a parish priest at Our Lady of the Scapular and St. Stephen's Church in Manhattan in 1934. St. Stephens was at one time the largest Catholic parish in New York City. It is a special New York treasure as it contains several works by 19th century Italian Painter Constantino Brumidi who is best know for having done much of the artwork on display in the United States Capitol.

In 1939, Monsignor Landi became the associate director of Catholic Charities in Brooklyn, NY. As I recently noted, Catholic Charities of the Brooklyn-Queens Diocese is the largest Roman Catholic human services agency in the nation. Perhaps on earth.

One of seven children orphaned after the death of their mother in 1913, he focused his mission toward young people. His benevolence toward the troubled youth of Brooklyn was exceptional.

During Monsignor Landi's 65 years in the priesthood he received numerous honors from several governments and organizations. He was honored by our own New York State Assembly which issued a citation on the his 90th birthday in recognition his humanitarian efforts.

In closing I would like to express my deep gratitude to Monsignor Landi for his life long commitment to ending social injustice especially toward children living in poverty. His distinguished devotion to God and his fellow man is a model to us all.●

TRAGEDY IN ARMENIA

● Mr. TORRICELLI. Mr. President, I rise today to express my sorrow at last week's tragedy in the Armenian National Parliament. Prime Minister Sarkissian, Speaker Demirchian, and six other legislators were killed. While we may never know what motivated the gunmen to storm the building, we do know that a single act of terror was directed against individuals who were attempting to build and strengthen Armenia's democratic institutions. Armenia has made positive movement toward widespread democracy and free markets, and the leaders who lost their lives had played important roles in these reforms. As a result, this tragedy is truly a great loss for the Armenian people. For this reason, I have joined Senator ABRAHAM in introducing a resolution condemning the incident.

After months of progress on a range of issues, from the rule of law, to Nagorno-Karabakh, to fighting corruption, Armenia is faced with a huge obstacle to overcome. Just this past week, Armenia held local elections nation-wide that were deemed free and fair by independent observers. These elections were not without minor irregularities, but the overall impact has been to reaffirm and further strengthen the commitment of the Armenian people to an open election process.

On the complex issue of peace in Nagorno-Karabakh, significant progress has been made recently. Bilateral meetings between President Kocharian and President Aliyev have been frequent and intensive in response to our encouragement for greater results. Just hours before the attack, Prime Minister Sarkissian had met with President Kocharian and Deputy Secretary of State Talbott to discuss the peace process. Clearly, it will be difficult for Armenia to move forward without Sarkissian's presence—difficult, but not impossible.

Given the tremendous amount of progress Armenia has made since declaring independence from the Soviet Union, I am confident that the Armenian people will move past this tragic event and continue to build upon their successes. But the key to doing so is ongoing support from the United States. Together, our two countries have built strong ties, focusing upon a prosperous, secure and democratic future. It is critical that, in the midst of such overpowering grief, we renew our support for the people of Armenia and their leaders. As they continue to build upon the principles that the victims had worked to fulfill, the people of Armenia should know that the United States supports their efforts. I hope my colleagues will join me in sending this message to the Armenian people.●

TRIBUTE TO DR. PERCY G. HARRIS

● Mr. HARKIN. Mr. President, I ask my colleagues to join me in paying tribute to Dr. Percy G. Harris, a distinguished Iowan from Cedar Rapids who is retiring after forty years of practicing family medicine. His biography is truly a great American story.

Dr. Harris was born into a poor family in Mississippi in 1927. He was orphaned as a teenager and moved to Waterloo, Iowa to live with his aunt. High school was a struggle for Percy Harris, but he finally received his diploma at the age of 19. After that, he was determined to make something of his life, and set his sights on becoming a doctor. He was admitted to medical school at Howard University in Washington, DC. He paid his way by working as an elevator operator and janitor. After he received his medical degree, Dr. Harris returned to Cedar Rapids, Iowa to open a family practice.

His practice grew and flourished over four decades. His patients credit him with the old-fashioned virtue of patience and say he is always willing to spend extra time caring for them. He believes in giving back and is active in the community as a civil rights leader and as a volunteer athletic doctor for Jefferson High School.

Percy Harris's life is a list of firsts. He was the first African-American to hold an internship at St. Luke's Hospital in Cedar Rapids. He served as Linn County, Iowa's first and only medical examiner. In 1977, Governor Robert Ray appointed him to the Iowa Board of Regents where he served two terms as the Board's first African-American member.

Dr. Harris encountered adversity along the way, but he chose to view it as a challenge rather than an obstacle. In 1961, he and his wife, Lileah, decided to build a home for their growing family. They set their sights on a piece of property in one of Cedar Rapids' all white neighborhoods. The neighbors were up in arms, but Percy and Lileah Harris persisted and eventually purchased the property in a dispute that gained national attention. They built their family home on the property and raised 12 fine children, all of whom are now grown and successful in their own right.

Mr. President, Dr. Harris is one in a long American tradition of medical practitioners who put patients before profits, who lead by example, and who dedicate themselves to the well-being of humankind, from their community to their nation. I congratulate him on his many achievements and wish him well in all future endeavors. I know wherever he chooses to put his many talents, he will leave his mark.●

IN HONOR OF TED WINTER'S 50TH BIRTHDAY

● Mr. WELLSTONE. Mr. President, I speak today to recognize a very special Minnesotan. Ted Winter will be celebrating his 50th birthday the day after Thanksgiving. Friends and family will be gathering at the American Legion in Fulda, Minnesota, to honor this very good and decent man.

It is very appropriate that this year his birthday falls so close to Thanksgiving because as a Minnesotan I am very thankful that Ted so ably represents the people of Southwestern Minnesota in the State Legislature; I am thankful that Ted continues to be a strong voice for those struggling to maintain their family farms; I am thankful that Ted struggles daily to ensure the vitality of our rural communities and that he is committed to a vision of Minnesota that is rich and diverse.

In the last few years, Ted has been the driving force behind uniting Midwest State Legislators in calling for a change in federal farm policy. He has been central in calling attention to the devastating effect the concentration of power in agriculture is having on family farmers. Day in and day out, Ted spends time away from his own farm to work with farm organizations and other farmers to come up with ways that family farmers can survive to farm another day. He drives throughout the state to make sure that any meeting discussing the future of Minnesota includes a discussion about the future of family farms and rural communities.

I am pleased to be able to speak today to honor my friend, Ted Winter.●

HONORING KAREN LEACH

● Mr. REED. Mr. President, I rise today to honor an outstanding individual who has dedicated her life to the education of our young people. Karen Leach of Johnston, Rhode Island, is retiring from the Providence School Department after nearly thirty years of dedicated service.

Since Karen graduated from Rhode Island College in 1969 with a Bachelor's Degree in Elementary and Special Education, she has received Masters of Education Degrees in both Elementary Education and in Administration for Elementary and Middle Schools. She has also furthered her professional development by achieving certification in many areas.

The capital of Rhode Island, Providence is at the heart of our state's urban center and during her career, Karen has been assigned to several schools in the District. Karen began her long and accomplished career as a teacher and dedicated her efforts toward Special Education. During her tenure, the field of education has seen tremendous change—from curriculum, to technology, to teaching methods and to administrative practices. Throughout nearly three decades of service, Karen has brought efficiency, expertise and professionalism to her many challenging assignments.

In 1988, Karen was named Supervisor of Elementary/Pre-School Education for the Providence School Department and in 1992, she became Principal of the Sackett Street Elementary School and the Reservoir Avenue Elementary School. Since the 1992–1993 school year, she has been Principal of the Sackett Street Elementary School and she is retiring from her present administration position as Interim Acting Superintendent of Teaching and Learning.

Karen Leach is a person of great integrity, compassion and initiative. She is accomplished and well respected for her many contributions to the Providence School System. She has made a positive impact on the quality of education, and in the lives of students, especially those with special needs. Most recently, Karen's leadership as a Principal and as an Administrator has left a lasting mark on the City of Providence.

So many young people have had their lives enriched by one person's efforts. Karen Leach's commitment and her tangible accomplishments clearly demonstrate that an investment in education is indeed an investment in the future.

Mr. President, I ask my colleagues to join me in commending Karen Leach for her commitment to educational excellence and for her efforts to improve the overall quality of our education system. Indeed, she has made a tremendous difference in the lives of her students. As Karen Leach leaves the Providence School Department, she plans to continue as a professional educational consultant. I wish her well and remain confident that we will hear more news of this outstanding educator's good works.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Edward Barron:									
Italy	Lira	2,163,819	1,169.00		4,238.15				5,407.15
Croatia	Dollar		548.00						548.00
Macedonia	Dollar		175.00						175.00
Italy	Lira			938,500	507.02			938,500	507.02
France	Dollar		516.00						516.00
Total			2,408.00		4,745.17				7,153.17

RICHARD LUGAR,
Chairman, Committee on Agriculture, Nutrition and Forestry, Oct. 20, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick J. Leahy:									
Italy	Lira	1,515,897	839.00					1,515,897	839.00
Macedonia	Dollar		175.00						175.00
Croatia	Dollar		548.00						548.00
United States	Dollar				3,642.85				3,642.85
Tim Rieser:									
Macedonia	Dollar		175.00						175.00
Croatia	Dollar		248.00						248.00
United States	Dollar				2,151.00				2,151.00
Senator Ted Stevens:									
Russia	Dollar		450.00						450.00
United States	Dollar				11,258.84				11,258.84
Steve Cortese:									
Russia	Dollar		450.00						450.00
United States	Dollar				5,993.84				5,993.84
Jennifer Chartrand:									
Russia	Dollar		450.00						450.00
United States	Dollar				5,993.84				5,993.84
John Young:									
Papua New Guinea	Dollar		136.00						136.00
Indonesia	Dollar		466.00						466.00
Singapore	Dollar		254.00						254.00
Thailand	Dollar		498.00						498.00
Cambodia	Dollar		200.00						200.00
Vietnam	Dollar		556.00						556.00
Burma	Dollar		292.00						292.00
Laos	Dollar		250.00						250.00
Philippines	Dollar		488.00						488.00
Robin Cleveland:									
Italy	Dollar		300.00						300.00
Serbia	Dollar		300.00						300.00
Macedonia	Dollar		300.00						300.00
Total			7,375.00		29,040.37				36,415.37

TED STEVENS,
Chairman, Committee on Appropriations, Oct. 25, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Sessions:									
Macedonia	Dollar		291.00						291.00
David S. Lyles:									
Macedonia	Dollar		121.50						121.50
Richard D. DeBobes:									
Macedonia	Dollar		121.50						121.50
Joseph T. Sixeas:									
Macedonia	Dollar		121.50						121.50
Senator Carl Levin:									
Macedonia	Dollar		233.50						233.50
Senator Jack Reed:									
Macedonia	Dollar		271.50						271.50
Jason Matthews:									
Romania	Dollar		849.00						849.00
Senator Mary Landrieu:									
Macedonia	Dollar		264.25						264.25
Romania	Dollar		225.00						225.00
Joan V. Grimson:									
Russia	Dollar		1,905.00						1,905.00
Sweden	Dollar		246.00						246.00
Senator Jack Reed:									
Indonesia	Dollar		184.00						184.00
United States	Dollar				4,342.08				4,342.08
Elizabeth L. King:									
Indonesia	Dollar		162.00						162.00
United States	Dollar				4,137.08				4,137.08
Cord A. Sterling:									
Ecuador	Dollar		407.00						407.00
Colombia	Dollar		647.00						647.00
Peru	Dollar		819.00						819.00
United States	Dollar				1,758.40				1,758.40
Romie L Brownlee:									
United States	Dollar				2,110.40				2,110.40
Colombia	Dollar		259.00				22.50		281.50
Edward H. Edens IV:									
Colombia	Dollar		267.00						267.00
United States	Dollar				2,110.40				2,110.40
Total			7,394.75		14,458.36		22.50		21,875.61

JOHN WARNER,
Chairman, Committee on Armed Services, Oct. 4, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
South Korea	Won		594.00						594.00
China	Yuan		514.00						514.00
Japan	Yen		208.29						208.29
Senator Richard Shelby:									
South Korea	Won		594.00						594.00
China	Yuan		514.00						514.00
Japan	Yen		241.05						241.05
Senator Robert Bennett:									
South Korea	Won		594.00						594.00
China	Yuan		514.00						514.00
Japan	Yen		200.10						200.10
Senator Mike Crapo:									
South Korea	Won		594.00						594.00
China	Yuan		514.00						514.00
Japan	Yen		208.29						208.29
Senator Evan Bayh:									
South Korea	Won		594.00						594.00
China	Yuan		514.00						514.00
Japan	Yen		200.10						200.10
James Jochum:									
South Korea	Won		594.00						594.00
China	Yuan		514.00						514.00
Japan	Yen		234.15						234.15
Senator Evan Bayh:									
Portugal	Escudo		837.00		4,084.00				4,921.00
Total			8,776.98		4,084.00				12,860.98

PHIL GRAMM,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 21, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alice Grant:									
Italy	Lira	1,217,000	660.00					1,217,000	660.00
Serbia	Dollar		338.00						338.00
Commercial airfare					5,164.98				5,164.98
Total			998.00		5,164.98				6,162.98

PETE V. DOMENICI,
Chairman, Committee on the Budget, Sept. 30, 1999.

AMENDMENT TO 3RD QUARTER 1998 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ian J. Brzezinski:									
Jordan	Dinar		829.00						829.00
Turkey	Lira		452.00						452.00
Kyrgyzstan	Som		558.00						558.00
Mongolia	Tughrik		354.00						354.00
China	Yuan		552.00						552.00
Korea	Won		524.00						524.00
Total			3,269.00						3,629.00

WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, Sept. 9, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Serbia	Dollar		180.00				54.25		234.25
Bosnia	Dollar		207.00						207.00
Bulgaria	Dollar		182.50						182.50
Romania	Dollar		204.00						204.00
United States	Dollar				5,822.74				5,822.74
Senator Paul Coverdell:									
Colombia	Dollar		486.00						486.00
Senator Chuck Hagel:									
China	Dollar		514.00		332.00				846.00
Vietnam	Dollar		1,112.00		176.00				1,288.00
Thailand	Dollar		398.00						398.00
Singapore	Dollar		204.00						204.00
United States	Dollar				4,867.00				4,867.00
Senator Robert Torricelli:									
North Korea	Dollar		761.00						761.00
China	Dollar		508.00						508.00
United States	Dollar				6,770.40				6,770.40
Alex Albert:									
Colombia	Dollar		486.00						486.00
Marshall Billingslea:									
Austria	Dollar		216.00						216.00
Czech Republic	Dollar		544.00						544.00
Italy	Dollar		802.00						802.00
Netherlands	Dollar		264.00						264.00
United States	Dollar				5,202.75				5,202.75
James Doran:									
Thailand	Dollar		996.00						996.00
Cambodia	Dollar		472.00						472.00
Laos	Dollar		125.00						125.00
United States	Dollar				4,857.40				4,857.40
Debbie Fiddelke:									
Vietnam	Dollar		2,224.00		176.00				2,400.00
United States	Dollar				6,415.00				6,415.00
Heather Flynn:									
Italy	Dollar		380.00						380.00
Egypt	Dollar		800.00						800.00
Macedonia	Dollar		1,020.00						1,020.00
Serbia	Dollar		700.00						700.00
United States	Dollar				6,755.81				6,755.81
Edwin Hall:									
Serbia	Dollar		61.00				54.25		115.25
Bosnia	Dollar		172.00						172.00
Bulgaria	Dollar		232.50						232.50
Romania	Dollar		244.00						244.00
United States	Dollar				4,093.74				4,093.74
Michael Haltzel:									
Romania	Dollar		40.00						40.00
Croatia	Dollar		334.00						334.00
Bosnia	Dollar		702.00						702.00
United States	Dollar				5,514.70				5,514.70
Serbia	Dollar		71.00				54.25		125.25
Bosnia	Dollar		161.00						161.00
Bulgaria	Dollar		181.50						181.50
Romania	Dollar		186.00						186.00
United States	Dollar				4,093.74				4,093.74
Frank Jannuzi:									
Hong Kong	Dollar		1,735.00						1,735.00
United States	Dollar				4.648.84				4,648.84
Thomas Lewis:									
Serbia	Dollar		85.00				54.25		139.25
Bosnia	Dollar		161.00						161.00
Bulgaria	Dollar		172.50						172.50
Romania	Dollar		202.00						202.00
United States	Dollar				3,273,55				3,273.55
Michael Miller:									
Ethiopia	Dollar		1,421.00						1,421.00
Saudi Arabia	Dollar		166.00						166.00
Eritrea	Dollar		524.00						524.00
United States	Dollar				7,418.38				7,418.18
Roger Noriega:									
Columbia	Dollar		400.00						400.00
Kenneth Peel:									
China	Dollar		514.00		332.00				846.00
Vietnam	Dollar		1,112.00		176.00				1,288.00
Thailand	Dollar		398.00						398.00
Singapore	Dollar		204.00						204.00
United States	Dollar				4,800.00				4,800.00
Maria Pica:									
North Korea	Dollar		761.00						761.00
China	Dollar		508.00						508.00
United States	Dollar				4,323.00				4,323.00
Elizabeth Stewart:									
Italy	Dollar		650.00						650.00
Serbia	Dollar		348.00						348.00
United States	Dollar				5,164.98				5,164.00
Michael Westphal:									
Thailand	Dollar		996.00						996.00
Cambodia	Dollar		472.00						472.00
Laos	Dollar		125.00						125.00
United States	Dollar				4,857.40				4,857.40
Italy	Dollar		650.00						650.00
Serbia	Dollar		348.00						348.00
United States	Dollar				5,164.98				5,164.98
Total			28,123.00		95,236.81				123,576.81

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 26, 1999.

AMENDMENT TO 1ST QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Marshall Billingslea:									
Turkey	Dollar		941.00						941.00
Iraq	Dollar		250.00						250.00
United States	Dollar				4,553.40				4,553.40
Total			1,191.00		4,553.40				5,744.40

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 26, 1999.

AMENDMENT TO 2ND QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APRIL 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alex Albert:									
Ecuador	Dollar		325.00						325.00
Peru	Dollar		103.00						103.00
Curacao	Dollar		250.00						250.00
Kirsten Madison:									
Ecuador	Dollar		325.00						325.00
Peru	Dollar		103.00						103.00
Aruba	Dollar		55.00						55.00
Curacao	Dollar		195.00						195.00
Roger Noriega:									
Spain	Dollar		2,400.00						2,400.00
United States	Dollar				1,323.84				1,323.84
Danielle Pletka:									
United Kingdom	Dollar		544.00						544.00
United States	Dollar				3,243.50				3,243.50
Total			4,300.00		4,567.34				8,867.34

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 26, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Arlen Specter:									
United States	Dollar		197.03		5,174.96				5,371.99
England	Dollar		224.80						224.80
Netherlands	Dollar		172.00						172.00
Ukraine	Dollar		488.00						488.00
Israel	Dollar		454.00						454.00
Jordan	Dollar		154.00						154.00
Egypt	Dollar		270.00						270.00
Italy	Lira		587.00						587.00
David J. Urban:									
United States	Dollar				4,477.06				4,477.06
Netherlands	Dollar		214.00						214.00
Ukraine	Dollar		750.00						750.00
Israel	Dollar		825.00						825.00
Jordan	Dollar		236.00						236.00
Egypt	Dollar		444.00						444.00
Italy	Lira		708.00						708.00
David K. Brog:									
United States	Dollar		4,477.06		4,477.06				4,477.06
Netherlands	Dollar		214.00						214.00
Ukraine	Dollar		750.00						750.00
Israel	Dollar		825.00						825.00
Jordan	Dollar		236.00						236.00
Egypt	Dollar		444.00						444.00
Italy	Lira		708.00						708.00
Total			8,900.83		14,129.08				23,029.91

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Oct. 15, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
C. Nicholas Rostow			1,340.86						1,340.86
Arthur Grant			881.00		5,677.52				6,558.52
George K. Johnson			566.00		5,525.62				6,091.62
James Barnett			566.00		5,609.10				6,175.10
Linda Taylor			1,199.00		6,524.28				7,723.28
Senator Richard Lugar			2,755.00		4,337.28				7,092.28

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kenneth Myers			2,798.00		4,337.28				7,135.25
Senator Richard C. Shelby			4,918.00						4,918.00
C. Nicholas Rostow			1,778.00						1,778.00
Anne Caldwell			4,918.00						4,918.00
William Duhnke			3,140.00						3,140.00
C. Nicholas Rostow			505.00						505.00
Senator Pat Roberts			1,938.00						1,938.00
Peter Dorn			2,941.00		5,134.40				8,076.40
Alan McCurry			2,193.00		2,958.20				5,151.20
James Barnett			974.00		4,792.40				5,766.40
Arthur Grant			1,111.00		4,792.40				5,903.40
Paula DeSutter			2,172.00		5,977.14				8,149.14
Total			36,693.86		55,666.62				92,360.48

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Oct. 20, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Gwartney:									
United States	Dollar		916.99		471.12		408.29		1,796.40
Total			916.99		471.12		408.29		1,796.40

CONNIE MACK,
Chairman, Joint Economic Committee, Oct. 14, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY MAJORITY LEADER FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mitch Kugler:									
Russia	Dollar		1,150.00		5,319.02				6,469.02
Dennis McDowell:									
Russia	Dollar		1,150.00		5,319.02				6,469.02
Dennis Ward:									
Russia	Dollar		1,150.00		5,319.02				6,469.02
Total			3,450.00		15,957.06				19,407.06

TRENT LOTT,
Majority Leader, Oct. 14, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EXPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FROM JULY 1, TO SEPT. 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric Shuffler:									
United States	Dollar				4,491.40				4,491.40
North Korea	Dollar		508.00						508.00
China	Yuan	6,376.17	771.00					6,376.17	771.00
Senator Patty Murray:									
Poland	Zloty		952.00						952.00
Hungary	Forint		225.00						225.00
Czech Republic	Dollar		464.00						464.00
United States	Dollar				2,326.41				2,326.41
Carol Cockril:									
Poland	Zloty		952.00						952.00
Hungary	Forint		225.00						225.00
Czech Republic	Dollar		464.00						464.00
United States	Dollar				2,326.41				2,326.41
Ben McMakin:									
Poland	Zloty		952.00						952.00
Hungary	Forint		225.00						225.00
Czech Republic	Dollar		464.00						464.00
United States	Dollar				2,019.41				2,019.41
Total			6,202.00		11,163.63				17,365.63

TOM DASCHLE,
Democratic Leader, Sept. 30, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FROM AUG. 13, TO AUG. 15, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Cuba	Dollar		500.00						500.00
Senator Byron Dorgan:									
Cuba	Dollar		500.00						500.00
Bradley Van Dam:									
Cuba	Dollar		285.00						285.00
Howard Walgren:									
Cuba	Dollar		300.00						300.00
Sally Walsh:									
Cuba	Dollar		278.00						278.00
Delegation expenses:									
Cuba	Dollar						1,560.58		1,560.58
Total			1,863.00				1,560.58		3,423.58

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Sept. 15, 1999.

HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

Mr. GRAMM. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 580, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 580) to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2506

(Purpose: To provide for a complete substitute)

Mr. GRAMM. Mr. President, there is a substitute amendment at the desk submitted by Senators FRIST, JEFFORDS, and KENNEDY. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for Mr. FRIST, for himself, Mr. JEFFORDS, and Mr. KENNEDY, proposes an amendment numbered 2506.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. KENNEDY. Mr. President, ten years ago, Congress created the Agency for Health Care Policy and Research to help us deal more effectively with critical national priorities in health care and research. I introduced the legislation with Senator HATCH, and it passed as part of the Omnibus Budget Reconciliation Act of 1989. It was based on a precursor organization—the National Center for Health Services Research—that was created by President Lyndon Johnson. The Agency's focus is primarily on health services research and other cutting edge methods to improve clinical practice. In its first decade, the Agency has proven its worth time and again by providing valuable information to Congress, health professionals, patients, businesses, and many others.

This reauthorization begins a new chapter for the Agency. New responsibilities come with its new name, the Agency for Healthcare Research and Quality. While the Agency's intramural and extramural research will remain focused on general outcomes research and assessments of the how well the nation is doing with respect to coverage and provision of health care, there will also be increased activity on research to monitor and improve the quality of care.

The Agency will serve an increasingly important role in the nation's effort to measure and improve the quality of health care, and to expand access to health insurance and health care. Research supported by the Agency provides critical information about the use, cost and quality of health services. As the health care market evolves, these data are necessary for informed decisions to help patients, providers, employers, government administrators, and policymakers. While the Agency is not directly involved in making policy, its research and expertise provide informed guidance to those who are. This legislation will help the Agency maintain and expand its efforts to encourage public-private partnerships at every level of the health care system.

The American people deserve to know that their hard-earned dollars are buying high-quality care. They want to know, as they are voluntarily or involuntarily enrolled in managed care plans, that the quality of care they receive is improving, not declining. Employers deserve to know that their investments in health benefits lead to healthier employees. As a result of the Agency's work, more and more Americans will be able to make the right decisions about their health care.

The Agency also provides an important link between advances in medical research and technology, and adoption of these practices by the public and private sectors. The research conducted and supported by the Agency helps identify erroneous denials of treatment, and informs the nation about treatments that are the most effective or have the highest quality. While the Agency is not in the business of developing or promoting practice guidelines, its recommendations and research findings lead to significant savings for patients, providers, health plans, and taxpayers, while simultaneously improving the quality of care.

For example, if the Agency's recommendations were applied to even 20 percent of patients, the nation could save hundreds of millions of dollars annually—ranging from $8.5 million for enhanced prenatal care for diabetic women to $130 million for therapies that prevent stroke. We should do all we can to see that decision-making on health care is guided by the best available scientific information. The Agency for Healthcare Research and Quality will to help us achieve that goal.

The reauthorization of the Agency also provides an opportunity to expand research on health care for those with special needs. Our success in treating these patients is an important measure of the overall effectiveness of the nation's health care system. More needs to be done to evaluate how well our system treats those who need the most, and often the most complex, services. Persons with disabilities are often underrepresented in health services research. Assessing how well our fragmented system cares for a person with mental retardation or spina bifida or parapalegia or a person nearing the end-of-life will enable us to assess where better care can lead to both a higher quality of life and significant savings.

Reliable information about medical technology is an essential component of providing high quality health care to all Americans at a reasonable cost. It is especially important for Congress to be able to compare and understand the effectiveness of different technologies. For this reason, I was a strong supporter of the Congressional Office of Technology Assessment, which evaluated technologies in a wide range of

scientific disciplines and provided a great deal of useful information to Congress before its funding was cut off in 1995. Fortunately, the Agency is fulfilling this essential role in the area of health care, and its mission is now more important than ever.

The ongoing biomedical revolution is bringing extraordinary benefits to our society. The next century may well be the century of life sciences. Every day, we hear about new medical procedures and technologies. To fulfill their promise, the quality and effectiveness of new procedures and technologies must be carefully evaluated. The Agency is uniquely qualified to meet this challenge, and to provide important information about the value and effectiveness of existing procedures and therapies.

The assessment reports prepared by the Agency are based on sound scientific data. Expanding access to the Agency's findings is an important step toward improving the overall quality of health care for the nation. We need to do all we can to see that the extraordinary discoveries being made in biomedical research are brought as quickly as possible to the bedside of the patient.

This reauthorization puts a new face on the Agency and refocuses and refines its functions. Adequate funding for the Agency is essential, and I look forward to working with the Appropriations Committees and the Administration to achieve these needed and wise investments in better health care for all.

Mr. FRIST. Mr. President, I am pleased that we are witnessing today the passage of legislation that is critical to improving the quality of health care in this country. The ''Healthcare Research and Quality Act of 1999,'' which I introduced on March 10, 1999, will significantly increase our federal investment in health care research and science-based evidence to improve the quality of patient care.

The health care system is a dramatically different system today than a decade ago when the Congress established the Agency for Health Care Policy and Research. The financing and delivery of health care has changed as we have moved to more complex systems such as managed care. At the same time, there has been an explosion of new medical information stemming from our biomedical research advances. As a result, patients and providers face increased difficulty in tracking and understanding the latest scientific findings.

As we have seen in the debate on the Patients' Bill of Rights Act, issues regarding the quality and appropriate use of health care services is a significant public policy concern. Thus, I felt it was important to include S. 580 in the Patients' Bill of Rights Act that passed the Health, Education, Labor, and Pensions Committee on March 18, 1999, and subsequently passed the Senate on July 15, 1999. As one of the conferees on the Patients' Bill of Rights, I look forward to working with my colleagues in an effort to improve the quality of health care delivered in this country by passing strong patient protection legislation next year. However, as we have been working on the legislation regarding AHCPR for quite some time—I introduced the first version of the bill, S. 2208, on June 23, 1998—I felt strongly that we pass the legislation reauthorizing the agency this year.

S. 580 reauthorizes the Agency for Health Care Policy and Research for fiscal years 2000–2005, renames the agency the ''Agency for Healthcare Research and Quality,'' and refocuses the agency's mission to become the focal point for supporting federal health care research and quality improvement activities.

The new Agency for Healthcare Research and Quality will: promote quality by sharing information regarding medical advances; build public-private partnerships to advance and share true quality measures; report annually on the state of quality, and cost, of the nation's healthcare; aggressively support improved information systems for health quality; support primary care research, and address issues of access in underserved areas and among priority populations; facilitate innovation in patient care with streamlined evaluation and assessment of new technologies; and coordinate quality improvement efforts of the federal government to avoid disjointed, uncoordinated, or duplicative efforts.

AHCPR fills a vital federal role by investing in health services research to ensure we reap the full rewards of our investment in basic and biomedical research. AHCPR takes these medical advances and helps us understand how to best utilize these advances in daily clinical practice. The Agency has demonstrated their ability to close this gap between basic research and clinical practice.

I believe the Agency can truly make a difference in improving health care quality in this country. The work of the Agency fills a crucial need by translating advances in medicine into what works for me, as a physician, in my daily practice. I think these answers will help us address some of the critical issues raised in the patient protection or quality health care debate. I also believe the work of the Agency is essential for improving the long term stability of the Medicare program and improving the health care system in general by providing the tools we need to assess and improve health care quality.

I would also like to point out that the legislation we are passing today builds upon the good work of our House companion bill, H.R. 2506, introduced and passed by my colleagues Representatives BILIRAKIS, BLILEY, DINGELL, and BROWN. The bill we are considering today, S. 580, has been modified to reflect agreement between the authorizing committees on the House and Senate passed versions of the bill. I will not list all of the changes we have made, but I would like to highlight a few.

First, I am pleased that our bill has an increased emphasis on research regarding the delivery of health care in inner city and rural areas and of health care issues for priority populations including low-income groups, minority groups, women, children, the elderly, and individuals with special health care needs including individuals with disabilities and individuals who need chronic care or end-of-life health care. The legislation will ensure that individuals with special health care needs will be addressed throughout the research portfolio of the Agency.

A second provision included in the bill which I believe is extremely important for improving the health of our nation's children is the authorization to provide support for payments to children's hospitals for graduate medical education programs. The bill will provide funding to the 59 freestanding children's hospital across the country that do not receive any GME funds today. These 59 hospitals represent over 20% of the total number of children's hospitals in the U.S. and they train nearly 30% of the nation's pediatricians, about 50% of all pediatric specialists, and over 65% of all pediatric specialists. I believe this is a strong addition to our bill which will ensure the training of pediatric physicians to improve the quality of health care for our children.

Mr. President, this legislation would not have come to fruition without the contributions of many individuals. I would like to take this moment to express my gratitude to Senator NICKLES and the entire Health Care Quality Task Force for making this bill a legislative priority. I would also like to thank Senator JEFFORDS, Senator KENNEDY, and all the members of the Health, Education, Labor, and Pensions committee who helped develop the legislation. The Administration and the Agency have been enormously helpful in providing their technical expertise as we rewrote the current statute, and I would especially like to thank Dr. John Eisenberg and Larry Patton for their tremendous contributions. Finally, I would like to thank my staff for their work on the bill, Andrew Balas, Susan Ramthun, and Anne Phelps. I look forward to working with my House colleagues and President Clinton to witness the enactment of S. 580 into law this year which will greatly improve the quality of health care for all Americans.

Mr. KENNEDY. Mr. President, today marks an important landmark in our efforts to improve children's health. We are taking the first step toward ensuring that the nation's children's hospitals have the support they need to continue to train physicians to care for children.

Less than one percent of the nation's hospitals are independent children's hospitals. Yet these hospitals train 30 percent of all pediatricians. These freestanding children's hospitals also train more than half of the country's pediatric specialists—the physicians who care for children with cancer, asthma, diabetes and many other chronic diseases and special needs.

In addition to their teaching responsibilities, they care for uninsured children, conduct pediatric research, and provide state-of-the-art specialty care for children in all parts of the nation. The services they provide and the activities they conduct are indispensable. When a child has a rare disease or complicated condition, children's hospitals are the hospitals of choice.

In Massachusetts, Boston Children's Hospital provides excellent care and conducts needed pediatric research and training. It provides the highest quality of care for sick or disabled children from Massachusetts, New England and the world. It is a national resource. The primary care and specialist physicians it trains serve in countless communities in Massachusetts and throughout the country. Boston Children's Hospital has been recognized as a world-class institution. Researchers at the hospital continue to offer new hope for children and adults, as they break new ground in battles to fight pediatric diseases. For example, Dr. Judah Folkman has developed two powerful agents that show great promise in the war on cancer. These agents—angiostatin and endostatin—have been shown to shrink cancerous tumors in animals. Clinical trials are now underway to test the effectiveness of bladder tissue grown in a laboratory, and to treat high-risk heart patients with a tiny device that can close holes in the heart without invasive surgery.

These advances are the result of the teaching hospital environment that is the heart of the mission of Boston Children's Hospital. Senior clinicians and scientists work with new doctors in training. The interns, residents and fellows who train at Boston Children's Hospital and other children's hospitals are the pediatricians, pediatric specialists and pediatric researchers of tomorrow. The federal government should invest in their training, just as we have invested in the training of physicians who care for adults. The benefits to the nation are immeasurable.

In general, graduate medical education activities are supported through Medicare. However, because children's hospitals treat very few Medicare patients, they receive almost no federal support to train physicians. In fact, they receive less than 1/200th per resident compared to other teaching hospitals. The lack of federal support makes no sense. It unintentionally penalizes children's hospitals, and we need to correct this problem as soon as possible.

The legislation accompanying the reauthorization of the Agency for Health Care Policy and Research authorizes a new discretionary program to provide support for pediatric graduate medical education. It authorizes the funding necessary to provide adequate support—$280 million in FY 2000 and $285 million in FY 2001. But this authorization is just a beginning. We need to continue to work together this year and next year to ensure that adequate funds are appropriated for this important new program to succeed.

Adequate and stable funding for pediatric GME activities can best be achieved by a permanent mandatory program. The Senate Finance Committee has agreed to hold a hearing on this important issue next year, and I hope action will quickly follow. Senator BOB KERREY and I have introduced legislation that will create a mandatory program. It has broad bipartisan support in the Senate. Forty senators, evenly divided among Democrats and Republicans, favor this approach, and I am confident that we will prevail in the end.

However, this year we have an opportunity to begin to address this important children's health issue. Today's authorization lays the groundwork for a downpayment in the appropriations for FY2000. The President's budget proposed $40 million for pediatric graduate medical education. The Labor, Health and Human Services Appropriations conference bill includes $20 million for this program. Congress should follow the President's lead and provide at least $40 million for next year, while Congress pursues full funding through a long-term solution.

It is an honor to support Boston Children's Hospital and other children's hospitals across the country as they strive to meet the health needs of the nation's children. I look forward to working with my colleagues in the House and Senate on this important issue in the coming year.

Mr. GRAMM. I ask unanimous consent the substitute amendment be agreed to, the bill be read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment (No. 2506) was agreed to.

The bill (S. 580), as amended, was read the third time and passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

YOUTH DRUG AND MENTAL HEALTH SERVICES ACT

Mr. GRAMM. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 332, S. 976.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 976) to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services for children and adolescents, to enhance flexibility and accountability, to establish programs for youth treatment, and to respond to crises, especially those related to children and violence.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Youth Drug and Mental Health Services Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. 101. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROJECTS FOR CHILDREN AND VIOLENCE

"SEC. 581. CHILDREN AND VIOLENCE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

''(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

''(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

''(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

''(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

''(4) assist in the creation of community partnerships among law enforcement, education systems and mental health and substance abuse service systems.

''(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

''(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of violence in schools;

''(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

''(A) security;

''(B) educational reform;

''(C) the review and updating of school policies;

''(D) alcohol and drug abuse prevention and early intervention services;

''(E) mental health prevention and treatment services; and

''(F) early childhood development and psychosocial services; and

''(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

''(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

''(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.

"SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF PERSONS WHO EXPERIENCE VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of domestic, school and community violence and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts or agreements may be renewed.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. 102. EMERGENCY RESPONSE.

Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(1) by redesignating subsection (m) as subsection (o);

(2) by inserting after subsection (l) the following:

''(m) EMERGENCY RESPONSE.—

''(1) IN GENERAL.—Notwithstanding section 504 and except as provided in paragraph (2), the Secretary may use not to exceed 3 percent of all amounts appropriated under this title for a fiscal year to make noncompetitive grants, contracts or cooperative agreements to public entities to enable such entities to address emergency substance abuse or mental health needs in local communities.

''(2) EXCEPTIONS.—Amounts appropriated under part C shall not be subject to paragraph (1).

''(3) EMERGENCIES.—The Secretary shall establish criteria for determining that a substance abuse or mental health emergency exists and publish such criteria in the Federal Register prior to providing funds under this subsection.

''(n) LIMITATION ON THE USE OF CERTAIN INFORMATION.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Secretary) to its publication or release in other form.''; and

(3) in subsection (o) (as so redesignated), by striking ''1993'' and all that follows through the period and inserting ''2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

SEC. 103. HIGH RISK YOUTH REAUTHORIZATION.

Section 517(h) of the Public Health Service Act (42 U.S.C. 290bb–23(h)) is amended by striking ''$70,000,000'' and all that follows through ''1994'' and inserting ''such sums as may be necessary for each of the fiscal years 2000 through 2002''.

SEC. 104. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following:

"SEC. 514. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing substance abuse treatment services for children and adolescents.

''(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who propose to—

''(1) apply evidenced-based and cost effective methods for the treatment of substance abuse among children and adolescents;

''(2) coordinate the provision of treatment services with other social service agencies in the community, including educational, juvenile justice, child welfare, and mental health agencies;

''(3) provide a continuum of integrated treatment services, including case management, for children and adolescents with substance abuse disorders and their families;

''(4) provide treatment that is gender-specific and culturally appropriate;

''(5) involve and work with families of children and adolescents receiving treatment;

''(6) provide aftercare services for children and adolescents and their families after completion of substance abuse treatment; and

''(7) address the relationship between substance abuse and violence.

''(c) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

''(d) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal years 2001 and 2002.

"SEC. 514A. EARLY INTERVENTION SERVICES FOR CHILDREN AND ADOLESCENTS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), for the purpose of providing early intervention substance abuse services for children and adolescents.

''(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who demonstrate an ability to—

''(1) screen for and assess substance use and abuse by children and adolescents;

''(2) make appropriate referrals for children and adolescents who are in need of treatment for substance abuse;

''(3) provide early intervention services, including counseling and ancillary services, that are designed to meet the developmental needs of

children and adolescents who are at risk for substance abuse; and

''(4) develop networks with the educational, juvenile justice, social services, and other agencies and organizations in the State or local community involved that will work to identify children and adolescents who are in need of substance abuse treatment services.

''(c) CONDITION.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that such grants, contracts, or cooperative agreements are allocated, subject to the availability of qualified applicants, among the principal geographic regions of the United States, to Indian tribes and tribal organizations, and to urban and rural areas.

''(d) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

''(e) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(f) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal years 2001 and 2002.

''SEC. 514B. YOUTH INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Bureau of Justice Assistance and the Director of the National Institutes of Health, shall award grants or contracts to public or nonprofit private entities to establish not more than 4 research, training, and technical assistance centers to carry out the activities described in subsection (c).

''(b) APPLICATION.—A public or private nonprofit entity desiring a grant or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) AUTHORIZED ACTIVITIES.—A center established under a grant or contract under subsection (a) shall—

''(1) provide training with respect to state-of-the-art mental health and justice-related services and successful mental health and substance abuse-justice collaborations that focus on children and adolescents, to public policymakers, law enforcement administrators, public defenders, police, probation officers, judges, parole officials, jail administrators and mental health and substance abuse providers and administrators;

''(2) engage in research and evaluations concerning State and local justice and mental health systems, including system redesign initiatives, and disseminate information concerning the results of such evaluations;

''(3) provide direct technical assistance, including assistance provided through toll-free telephone numbers, concerning issues such as how to accommodate individuals who are being processed through the courts under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), what types of mental health or substance abuse service approaches are effective within the judicial system, and how community-based mental health or substance abuse services can be more effective, including relevant regional, ethnic, and gender-related considerations; and

''(4) provide information, training, and technical assistance to State and local governmental officials to enhance the capacity of such officials to provide appropriate services relating to mental health or substance abuse.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal years 2001 and 2002.

''SEC. 514C. PREVENTION OF METHAMPHETAMINE AND INHALANT ABUSE AND ADDICTION.

''(a) GRANTS.—The Director of the Center for Substance Abuse Prevention (referred to in this section as the 'Director') may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

''(1) to carry out school-based programs concerning the dangers of methamphetamine or inhalant abuse and addiction, using methods that are effective and evidence-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

''(2) to carry out community-based methamphetamine or inhalant abuse and addiction prevention programs that are effective and evidence-based.

''(b) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering methamphetamine or inhalant prevention programs in accordance with subsection (c).

''(c) PREVENTION PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—Amounts provided under this section may be used—

''(A) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine or inhalant abuse and addiction and targeted at populations which are most at risk to start methamphetamine or inhalant abuse;

''(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine or inhalant abuse and addiction;

''(C) to assist local government entities to conduct appropriate methamphetamine or inhalant prevention activities;

''(D) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of methamphetamine or inhalant abuse and addiction and the options for treatment and prevention;

''(E) for planning, administration, and educational activities related to the prevention of methamphetamine or inhalant abuse and addiction;

''(F) for the monitoring and evaluation of methamphetamine or inhalant prevention activities, and reporting and disseminating resulting information to the public; and

''(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

''(2) PRIORITY.—The Director shall give priority in making grants under this section to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine or inhalant abuse and addiction.

''(d) ANALYSES AND EVALUATION.—

''(1) IN GENERAL.—Up to $500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine or inhalant abuse and addiction and the development of appropriate strategies for disseminating information about and implementing these programs.

''(2) ANNUAL REPORTS.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House of Representatives, an annual report with the results of the analyses and evaluation under paragraph (1).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a), $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. 105. COMPREHENSIVE COMMUNITY SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE.

(a) MATCHING FUNDS.—Section 561(c)(1)(D) of the Public Health Service Act (42 U.S.C. 290ff(c)(1)(D)) is amended by striking ''fifth'' and inserting ''fifth and sixth''.

(b) FLEXIBILITY FOR INDIAN TRIBES AND TERRITORIES.—Section 562 of the Public Health Service Act (42 U.S.C. 290ff–1) is amended by adding at the end the following:

''(g) WAIVERS.—The Secretary may waive 1 or more of the requirements of subsection (c) for a public entity that is an Indian Tribe or tribal organization, or American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, or the United States Virgin Islands if the Secretary determines, after peer review, that the system of care is family-centered and uses the least restrictive environment that is clinically appropriate.''.

(c) DURATION OF GRANTS.—Section 565(a) of the Public Health Service Act (42 U.S.C. 290ff–4(a)) is amended by striking ''5 fiscal'' and inserting ''6 fiscal''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 565(f)(1) of the Public Health Service Act (42 U.S.C. 290ff–4(f)(1)) is amended by striking ''1993'' and all that follows and inserting ''2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

(e) CURRENT GRANTEES.—

(1) IN GENERAL.—Entities with active grants under section 561 of the Public Health Service Act (42 U.S.C. 290ff) on the date of enactment of this Act shall be eligible to receive a 6th year of funding under the grant in an amount not to exceed the amount that such grantee received in the 5th year of funding under such grant. Such 6th year may be funded without requiring peer and Advisory Council review as required under section 504 of such Act (42 U.S.C. 290aa–3).

(2) LIMITATION.—Paragraph (1) shall apply with respect to a grantee only if the grantee agrees to comply with the provisions of section 561 as amended by subsection (a).

SEC. 106. SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

(a) ADMINISTRATION AND ACTIVITIES.—

(1) ADMINISTRATION.—Section 399D(a) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in paragraph (1), by striking ''Administrator'' and all that follows through ''Administration'' and insert ''Administrator of the Substance Abuse and Mental Health Services Administration''; and

(B) in paragraph (2), by striking ''Administrator of the Substance Abuse and Mental Health Services Administration'' and inserting ''Administrator of the Health Resources and Services Administration''.

(2) ACTIVITIES.—Section 399D(a)(1) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting the following: ''through youth service agencies, family social services, child care providers, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, health, substance abuse and mental health providers through screenings conducted during regular childhood examinations and other examinations, self and family member referrals, substance abuse treatment services, and other providers of services to children and families; and''; and

(C) by adding at the end the following:

''(D) to provide education and training to health, substance abuse and mental health professionals, and other providers of services to children and families through youth service agencies, family social services, child care, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, and other providers of services to children and families.''.

(3) IDENTIFICATION OF CERTAIN CHILDREN.—Section 399D(a)(3)(A) of the Public Health Service Act (42 U.S.C. 280d(a)(3)(A)) is amended—

(A) in clause (i), by striking ''(i) the entity'' and inserting ''(i)(I) the entity'';

(B) in clause (ii)—

(i) by striking ''(ii) the entity'' and inserting ''(II) the entity''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(ii) the entity will identify children who may be eligible for medical assistance under a State program under title XIX or XXI of the Social Security Act.''.

(b) SERVICES FOR CHILDREN.—Section 399D(b) of the Public Health Service Act (42 U.S.C. 280d(b)) is amended—

(1) in paragraph (1), by inserting ''alcohol and drug,'' after ''psychological,'';

(2) by striking paragraph (5) and inserting the following:

''(5) Developmentally and age-appropriate drug and alcohol early intervention, treatment and prevention services.''; and

(3) by inserting after paragraph (8), the following:

''Services shall be provided under paragraphs (2) through (8) by a public health nurse, social worker, or similar professional, or by a trained worker from the community who is supervised by a professional, or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements.''.

(c) SERVICES FOR AFFECTED FAMILIES.—Section 399D(c) of the Public Health Service Act (42 U.S.C. 280d(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting before the colon the following: '', or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements''; and

(B) by adding at the end the following:

''(D) Aggressive outreach to family members with substance abuse problems.

''(E) Inclusion of consumer in the development, implementation, and monitoring of Family Services Plan.'';

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

''(A) Alcohol and drug treatment services, including screening and assessment, diagnosis, detoxification, individual, group and family counseling, relapse prevention, pharmacotherapy treatment, after-care services, and case management.'';

(B) in subparagraph (C), by striking '', including educational and career planning'' and inserting ''and counseling on the human immunodeficiency virus and acquired immune deficiency syndrome'';

(C) in subparagraph (D), by striking ''conflict and''; and

(D) in subparagraph (E), by striking ''Remedial'' and inserting ''Career planning and''; and

(3) in paragraph (3)(D), by inserting ''which include child abuse and neglect prevention techniques'' before the period.

(d) ELIGIBLE ENTITIES.—Section 399D(d) of the Public Health Service Act (42 U.S.C. 280d(d)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(d) ELIGIBLE ENTITIES.—The Secretary shall distribute the grants through the following types of entities:'';

(2) in paragraph (1), by striking ''drug treatment'' and inserting ''drug early intervention, prevention or treatment; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking ''; and'' and inserting ''; or''; and

(B) in subparagraph (B), by inserting ''or pediatric health or mental health providers and family mental health providers'' before the period.

(e) SUBMISSION OF INFORMATION.—Section 399D(h) of the Public Health Service Act (42 U.S.C. 280d(h)) is amended—

(1) in paragraph (2)—

(A) by inserting ''including maternal and child health'' before ''mental'';

(B) by striking ''treatment programs''; and

(C) by striking ''and the State agency responsible for administering public maternal and child health services'' and inserting '', the State agency responsible for administering alcohol and drug programs, the State lead agency, and the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act; and''; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(f) REPORTS TO THE SECRETARY.—Section 399D(i)(6) of the Public Health Service Act (42 U.S.C. 280d(i)(6)) is amended—

(1) in subparagraph (B), by adding ''and'' at the end; and

(2) by striking subparagraphs (C), (D), and (E) and inserting the following:

''(C) the number of case workers or other professionals trained to identify and address substance abuse issues.''.

(g) EVALUATIONS.—Section 399D(l) of the Public Health Service Act (42 U.S.C. 280d(l)) is amended—

(1) in paragraph (3), by adding ''and'' at the end;

(2) in paragraph (4), by striking the semicolon and inserting the following: '', including increased participation in work or employment-related activities and decreased participation in welfare programs.''; and

(3) by striking paragraphs (5) and (6).

(h) REPORT TO CONGRESS.—Section 399D(m) of the Public Health Service Act (42 U.S.C. 280d(m)) is amended—

(1) in paragraph (2), by adding ''and'' at the end;

(2) in paragraph (3)—

(A) in subparagraph (A), by adding ''and'' at the end;

(B) in subparagraph (B), by striking the semicolon and inserting a period; and

(C) by striking subparagraphs (C), (D), and (E); and

(3) by striking paragraphs (4) and (5).

(i) DATA COLLECTION.—Section 399D(n) of the Public Health Service Act (42 U.S.C. 280d(n)) is amended by adding at the end the following: ''The periodic report shall include a quantitative estimate of the prevalence of alcohol and drug problems in families involved in the child welfare system, the barriers to treatment and prevention services facing these families, and policy recommendations for removing the identified barriers, including training for child welfare workers.''.

(j) DEFINITION.—Section 399D(o)(2)(B) of the Public Health Service Act (42 U.S.C. 280d(o)(2)(B)) is amended by striking ''dangerous''.

(k) AUTHORIZATION OF APPROPRIATIONS.—Section 399D(p) of the Public Health Service Act (42 U.S.C. 280d(p)) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

(l) GRANTS FOR TRAINING AND CONFORMING AMENDMENTS.—Section 399D of the Public Health Service Act (42 U.S.C. 280d) is amended—

(1) by striking subsection (f);

(2) by striking subsection (k);

(3) by redesignating subsections (d), (e), (g), (h), (i), (j), (l), (m), (n), (o), and (p) as subsections (e) through (o), respectively;

(4) by inserting after subsection (c), the following:

''(d) TRAINING FOR PROVIDERS OF SERVICES TO CHILDREN AND FAMILIES.—The Secretary may make a grant under subsection (a) for the training of health, substance abuse and mental health professionals and other providers of services to children and families through youth service agencies, family social services, child care providers, Head Start, schools and after-school programs, early childhood development programs, community-based family resource centers, the criminal justice system, and other providers of services to children and families. Such training shall be to assist professionals in recognizing the drug and alcohol problems of their clients and to enhance their skills in identifying and understanding the nature of substance abuse, and obtaining substance abuse early intervention, prevention and treatment resources.'';

(5) in subsection (k)(2) (as so redesignated), by striking ''(h)'' and inserting ''(i)''; and

(6) in paragraphs (3)(E) and (5) of subsection (m) (as so redesignated), by striking ''(d)'' and inserting ''(e)''.

(m) TRANSFER AND REDESIGNATION.—Section 399D of the Public Health Service Act (42 U.S.C. 280d), as amended by this section—

(1) is transferred to title V;

(2) is redesignated as section 519; and

(3) is inserted after section 518.

(n) CONFORMING AMENDMENT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking the heading of part L.

SEC. 107. SERVICES FOR YOUTH OFFENDERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

''SEC. 520C. SERVICES FOR YOUTH OFFENDERS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Director of the Center for Substance Abuse Treatment, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Special Education Programs, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from facilities in the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

''(b) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

''(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has been detained or incarcerated in facilities within the juvenile or criminal justice system;

''(2) to provide a network of core or aftercare services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

''(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

''(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

''(c) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(e) DEFINITIONS.—In this section:

''(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

''(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, mental health, substance abuse, and operational needs of the youth offender.

''(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. 108. GENERAL PROVISIONS.

(a) DUTIES OF THE CENTER FOR SUBSTANCE ABUSE TREATMENT.—Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) by redesignating paragraphs (2) through (12) as paragraphs (3) through (13), respectively; and

(2) by inserting after paragraph (1), the following:

''(2) ensure that emphasis is placed on children and adolescents in the development of treatment programs;''.

(b) DUTIES OF THE OFFICE FOR SUBSTANCE ABUSE PREVENTION.—Section 515(b)(9) of the Public Health Service Act (42 U.S.C. 290bb–2(b)(9)) is amended by striking ''public concerning'' and inserting ''public, especially adolescent audiences, concerning''.

(c) DUTIES OF THE CENTER FOR MENTAL HEALTH SERVICES.—Section 520(b) of the Public Health Service Act (42 U.S.C. 290bb–3(b)) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively; and

(2) by inserting after paragraph (2), the following:

''(3) collaborate with the Department of Education and the Department of Justice to develop programs to assist local communities in addressing violence among children and adolescents;''.

TITLE II—PROVISIONS RELATING TO MENTAL HEALTH

SEC. 201. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 520A of the Public Health Service Act (42 U.S.C. 290bb–32) is amended to read as follows:

''SEC. 520A. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

''(a) PROJECTS.—The Secretary shall address priority mental health needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

''(1) knowledge development and application projects for prevention, treatment, and rehabilitation, and the conduct or support of evaluations of such projects;

''(2) training and technical assistance programs;

''(3) targeted capacity response programs; and

''(4) systems change grants including statewide family network grants and client-oriented and consumer run self-help activities.

The Secretary may carry out the activities described in this subsection directly or through grants, contracts, or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or private nonprofit entities.

''(b) PRIORITY MENTAL HEALTH NEEDS.—

''(1) DETERMINATION OF NEEDS.—Priority mental health needs of regional and national significance shall be determined by the Secretary in consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

''(2) SPECIAL CONSIDERATION.—In developing program priorities described in paragraph (1), the Secretary, in conjunction with the Director of the Center for Mental Health Services, the Director of the Center for Substance Abuse Treatment, and the Administrator of the Health Resources and Services Administration, shall give special consideration to promoting the integration of mental health services into primary health care systems.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

''(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

''(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under this section provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

''(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

''(e) INFORMATION AND EDUCATION.—The Secretary shall establish information and education programs to disseminate and apply the findings of the knowledge development and application, training, and technical assistance programs, and targeted capacity response programs, under this section to the general public, to health care professionals, and to interested groups. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out mental health services.

''(f) AUTHORIZATION OF APPROPRIATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.

''(2) DATA INFRASTRUCTURE.—If amounts are not appropriated for a fiscal year to carry out section 1971 with respect to mental health, then the Secretary shall make available, from the amounts appropriated for such fiscal year under paragraph (1), an amount equal to the sum of $6,000,000 and 10 percent of all amounts appropriated for such fiscal year under such paragraph in excess of $100,000,000, to carry out such section 1971.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 303 of the Public Health Service Act (42 U.S.C. 242a) is repealed.

(2) Section 520B of the Public Health Service Act (42 U.S.C. 290bb–33) is repealed.

(3) Section 612 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa–3 note) is repealed.

SEC. 202. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa–5) is amended to read as follows:

''SEC. 506. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts and cooperative agreements to community-based public and private nonprofit entities for the purposes of providing mental health and substance abuse services for homeless individuals. In carrying out this section, the Secretary shall consult with the Interagency Council on the Homeless, established under section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

''(b) PREFERENCES.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall give a preference to—

''(1) entities that provide integrated primary health, substance abuse, and mental health services to homeless individuals;

''(2) entities that demonstrate effectiveness in serving runaway, homeless, and street youth;

''(3) entities that have experience in providing substance abuse and mental health services to homeless individuals;

''(4) entities that demonstrate experience in providing housing for individuals in treatment

for or in recovery from mental illness or substance abuse; and

''(5) entities that demonstrate effectiveness in serving homeless veterans.

''(c) SERVICES FOR CERTAIN INDIVIDUALS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall not—

''(1) prohibit the provision of services under such subsection to homeless individuals who are suffering from a substance abuse disorder and are not suffering from a mental health disorder; and

''(2) make payments under subsection (a) to any entity that has a policy of—

''(A) excluding individuals from mental health services due to the existence or suspicion of substance abuse; or

''(B) has a policy of excluding individuals from substance abuse services due to the existence or suspicion of mental illness.

''(d) TERM OF THE AWARDS.—No entity may receive a grant, contract, or cooperative agreement under subsection (a) for more than 5 years.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

SEC. 203. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

(a) WAIVERS FOR TERRITORIES.—Section 522 of the Public Health Service Act (42 U.S.C. 290cc–22) is amended by adding at the end the following:

''(i) WAIVER FOR TERRITORIES.—With respect to the United States Virgin Islands, Guam, American Samoa, Palau, the Marshall Islands, and the Commonwealth of the Northern Mariana Islands, the Secretary may waive the provisions of this part that the Secretary determines to be appropriate.''.

(b) AUTHORIZATION OF APPROPRIATION.—Section 535(a) of the Public Health Service Act (42 U.S.C. 290cc–35(a)) is amended by striking ''1991 through 1994'' and inserting ''2000 through 2002''.

SEC. 204. COMMUNITY MENTAL HEALTH SERVICES PERFORMANCE PARTNERSHIP BLOCK GRANT.

(a) CRITERIA FOR PLAN.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by striking paragraphs (1) through (12) and inserting the following:

''(1) COMPREHENSIVE COMMUNITY-BASED MENTAL HEALTH SYSTEMS.—The plan provides for an organized community-based system of care for individuals with mental illness and describes available services and resources in a comprehensive system of care, including services for dually diagnosed individuals. The description of the system of care shall include health and mental health services, rehabilitation services, employment services, housing services, educational services, substance abuse services, medical and dental care, and other support services to be provided to individuals with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act. The plan shall include a separate description of case management services and provide for activities leading to reduction of hospitalization.

''(2) MENTAL HEALTH SYSTEM DATA AND EPIDEMIOLOGY.—The plan contains an estimate of the incidence and prevalence in the State of serious mental illness among adults and serious emotional disturbance among children and presents quantitative targets to be achieved in the implementation of the system described in paragraph (1).

''(3) CHILDREN'S SERVICES.—In the case of children with serious emotional disturbance, the plan—

''(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (such system to include services provided under the Individuals with Disabilities Education Act);

''(B) provides that the grant under section 1911 for the fiscal year involved will not be expended to provide any service under such system other than comprehensive community mental health services; and

''(C) provides for the establishment of a defined geographic area for the provision of the services of such system.

''(4) TARGETED SERVICES TO RURAL AND HOMELESS POPULATIONS.—The plan describes the State's outreach to and services for individuals who are homeless and how community-based services will be provided to individuals residing in rural areas.

''(5) MANAGEMENT SYSTEMS.—The plan describes the financial resources, staffing and training for mental health providers that is necessary to implement the plan, and provides for the training of providers of emergency health services regarding mental health. The plan further describes the manner in which the State intends to expend the grant under section 1911 for the fiscal year involved.

Except as provided for in paragraph (3), the State plan shall contain the information required under this subsection with respect to both adults with serious mental illness and children with serious emotional disturbance.''.

(b) REVIEW OF PLANNING COUNCIL OF STATE'S REPORT.—Section 1915(a) of the Public Health Service Act (42 U.S.C. 300x–4(a)) is amended—

(1) in paragraph (1), by inserting ''and the report of the State under section 1942(a) concerning the preceding fiscal year'' after ''to the grant''; and

(2) in paragraph (2), by inserting before the period ''and any comments concerning the annual report''.

(c) MAINTENANCE OF EFFORT.—Section 1915(b) of the Public Health Service Act (42 U.S.C. 300x–4(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1), the following:

''(2) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.''.

(d) APPLICATION FOR GRANTS.—Section 1917(a)(1) of the Public Health Service Act (42 U.S.C. 300x–6(a)(1)) is amended to read as follows:

''(1) the plan is received by the Secretary not later than September 1 of the fiscal year prior to the fiscal year for which a State is seeking funds, and the report from the previous fiscal year as required under section 1941 is received by December 1 of the fiscal year of the grant;''.

(e) WAIVERS FOR TERRITORIES.—Section 1917(b) of the Public Health Service Act (42 U.S.C. 300x–6(b)) is amended by striking ''whose allotment under section 1911 for the fiscal year is the amount specified in section 1918(c)(2)(B)'' and inserting in its place ''except Puerto Rico''.

(f) AUTHORIZATION OF APPROPRIATION.—Section 1920 of the Public Health Service Act (42 U.S.C. 300x–9) is amended—

(1) in subsection (a), by striking ''$450,000,000'' and all that follows through the end and inserting ''$450,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''; and

(2) in subsection (b)(2), by striking ''section 505'' and inserting ''sections 505 and 1971''.

SEC. 205. DETERMINATION OF ALLOTMENT.

Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—With respect to fiscal year 2000, and subsequent fiscal years, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under such section for fiscal year 1998.''.

SEC. 206. PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.

(a) SHORT TITLE.—The first section of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99–319) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Protection and Advocacy for Individuals with Mental Illness Act'.''.

(b) DEFINITIONS.—Section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10802) is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting '', except as provided in section 104(d),'' after ''means'';

(B) in subparagraph (B)—

(i) by striking ''(i)'' who'' and inserting ''(i)(I) who'';

(ii) by redesignating clauses (ii) and (iii) as subclauses (II) and (III);

(iii) in subclause (III) (as so redesignated), by striking the period and inserting ''; or''; and

(iv) by adding at the end the following:

''(ii) who satisfies the requirements of subparagraph (A) and lives in a community setting, including their own home.''; and

(2) by adding at the end the following:

''(8) The term 'American Indian consortium' means a consortium established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042 et seq.).''.

(c) USE OF ALLOTMENTS.—Section 104 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10804) is amended by adding at the end the following:

''(d) The definition of 'individual with a mental illness' contained in section 102(4)(B)(iii) shall apply, and thus an eligible system may use its allotment under this title to provide representation to such individuals, only if the total allotment under this title for any fiscal year is $30,000,000 or more, and in such case, an eligible system must give priority to representing persons with mental illness as defined in subparagraphs (A) and (B)(i) of section 102(4).''.

(d) MINIMUM AMOUNT.—Paragraph (2) of section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)(2)) is amended to read as follows:

''(2)(A) The minimum amount of the allotment of an eligible system shall be the product (rounded to the nearest $100) of the appropriate base amount determined under subparagraph (B) and the factor specified in subparagraph (C).

''(B) For purposes of subparagraph (A), the appropriate base amount—

''(i) for American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the Virgin Islands, is $139,300; and

''(ii) for any other State, is $260,000.

''(C) The factor specified in this subparagraph is the ratio of the amount appropriated under section 117 for the fiscal year for which the allotment is being made to the amount appropriated under such section for fiscal year 1995.

''(D) If the total amount appropriated for a fiscal year is at least $25,000,000, the Secretary shall make an allotment in accordance with subparagraph (A) to the eligible system serving the American Indian consortium.''.

(e) TECHNICAL AMENDMENTS.—Section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)) is amended—

(1) in paragraph (1)(B), by striking ''Trust Territory of the Pacific Islands'' and inserting ''Marshall Islands, the Federated States of Micronesia, the Republic of Palau''; and

(2) by striking paragraph (3).

(f) REAUTHORIZATION.—Section 117 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10827) is amended by striking ''1995'' and inserting ''2002''.

SEC. 207. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART H—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

''SEC. 591. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

''(a) IN GENERAL.—A public or private general hospital, nursing facility, intermediate care facility, residential treatment center, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints or involuntary seclusions imposed for purposes of discipline or convenience.

''(b) REQUIREMENTS.—Physical or chemical restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

''(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

''(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

''(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

''(d) DEFINITIONS.—In this section:

''(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means the non-therapeutic use of a medication that—

''(A) is unrelated to the patient's medical condition; and

''(B) is imposed for disciplinary purposes or the convenience of staff.

''(2) PHYSICAL RESTRAINT.—The term 'physical restraint' means any mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, and other methods involving the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the patient from falling out of bed or to permit a patient to participate in activities without the risk of physical harm to the patient.

''(3) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population when he or she desires.

''SEC. 592. REPORTING REQUIREMENT.

''(a) IN GENERAL.— Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained, of each death occurring within 24 hours of the deceased patient being restrained or placed in seclusion, or where it is reasonable to assume that a patient's death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

''(b) FACILITY.—In this section, the term 'facility' has the meaning given the term 'facilities' in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).''.

''SEC. 593. REGULATIONS AND ENFORCEMENT.

''(a) TRAINING.—Not later than 1 year after the date of enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

''(b) REQUIREMENTS.—The regulations promulgated under subsection (a) shall require that—

''(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

''(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

''(3) such facilities provide complete and accurate notification of deaths, as required under section 582(a).

''(c) ENFORCEMENT.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.''.

TITLE III—PROVISIONS RELATING TO SUBSTANCE ABUSE

SEC. 301. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended to read as follows:

''SEC. 508. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

''(a) PROJECTS.—The Secretary shall address priority substance abuse treatment needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

''(1) knowledge development and application projects for treatment and rehabilitation and the conduct or support of evaluations of such projects;

''(2) training and technical assistance; and

''(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants, contracts, or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or nonprofit private entities.

''(b) PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS.—

''(1) IN GENERAL.—Priority substance abuse treatment needs of regional and national significance shall be determined by the Secretary after consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

''(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary, in conjunction with the Director of the Center for Substance Abuse Treatment, the Director of the Center for Mental Health Services, and the Administrator of the Health Resources and Services Administration, shall give special consideration to promoting the integration of substance abuse treatment services into primary health care systems.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—Recipients of grants, contracts, or cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

''(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

''(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

''(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

''(e) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate and apply the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public, to health professionals and other interested groups. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

''(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

(b) CONFORMING AMENDMENTS.—The following sections of the Public Health Service Act are repealed:

(1) Section 509 (42 U.S.C. 290bb–2).

(2) Section 510 (42 U.S.C. 290bb–3).

(3) Section 511 (42 U.S.C. 290bb–4).

(4) Section 512 (42 U.S.C. 290bb–5).

(5) Section 571 (42 U.S.C. 290gg).

SEC. 302. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 516 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended to read as follows:

''SEC. 516. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

''(a) PROJECTS.—The Secretary shall address priority substance abuse prevention needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

''(1) knowledge development and application projects for prevention and the conduct or support of evaluations of such projects;

''(2) training and technical assistance; and

''(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants, contracts, or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, or other public or nonprofit private entities.

''(b) PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS.—

''(1) IN GENERAL.—Priority substance abuse prevention needs of regional and national significance shall be determined by the Secretary in consultation with the States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

''(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary shall give special consideration to—

''(A) applying the most promising strategies and research-based primary prevention approaches; and

''(B) promoting the integration of substance abuse prevention services into primary health care systems.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

''(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

''(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

''(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

''(e) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public and to health professionals. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

''(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

(b) CONFORMING AMENDMENTS.—Section 518 of the Public Health Service Act (42 U.S.C. 290bb–24) is repealed.

SEC. 303. SUBSTANCE ABUSE PREVENTION AND TREATMENT PERFORMANCE PARTNERSHIP BLOCK GRANT.

(a) AUTHORIZED ACTIVITIES.—Section 1921(b) of the Public Health Service Act (42 U.S.C. 300x–21(b)) is amended to read as follows:

''(b) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—A funding agreement for a grant under subsection (a) is that, subject to section 1931, the State involved shall expend the grant only for the purpose of—

''(A) planning, carrying out, and evaluating activities to prevent and treat substance abuse in accordance with this subpart and for related activities authorized in section 1924; and

''(B) screening and testing for HIV, tuberculosis, hepatitis C, sexually transmitted diseases, mental health disorders, and other screening and testing necessary to determine a comprehensive substance abuse treatment plan.

''(2) SCREENING AND TESTING.—A State may not use more than 2 percent of a State allotment for a fiscal year to carry out activities under paragraph (1)(B), except that the State shall be considered the payer of last resort and may not expend such funds for such activities to the extent that payment has been made, or can reasonably be expected to be made, with respect to such service under any Federal or State program, an insurance policy, or a Federal or State health benefits program (including programs established under title XVIII or XIX of the Social Security Act), or by an entity that provides health services on a prepaid basis.''.

(b) ALLOCATION REGARDING ALCOHOL AND OTHER DRUGS.—Section 1922 of the Public Health Service Act (42 U.S.C. 300x–22) is amended by—

(1) striking subsection (a); and

(2) redesignating subsections (b) and (c) as subsections (a) and (b).

(c) GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.—Section 1925(a) of the Public Health Service Act (42 U.S.C. 300x–25(a)) is amended by striking ''For fiscal year 1993'' and all that follows through the colon and inserting the following: ''A State, using funds available under section 1921, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes for recovering substance abusers as follows:''.

(d) MAINTENANCE OF EFFORT.—Section 1930 of the Public Health Service Act (42 U.S.C. 300x–30) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d) respectively; and

(2) by inserting after subsection (a), the following:

''(b) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.''.

(e) APPLICATIONS FOR GRANTS.—Section 1932(a)(1) of the Public Health Service Act (42 U.S.C. 300x–32(a)(1)) is amended to read as follows:

''(1) the application is received by the Secretary not later than October 1 of the fiscal year prior to the fiscal year for which the State is seeking funds;''.

(f) WAIVER FOR TERRITORIES.—Section 1932(c) of the Public Health Service Act (42 U.S.C. 300x–32(c)) is amended by striking ''whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B)'' and inserting ''except Puerto Rico''.

(g) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Section 1932 of the Public Health Service Act (42 U.S.C. 300x–32) is amended by adding at the end the following:

''(e) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

''(1) IN GENERAL.—Upon the request of a State, the Secretary may waive the requirements of all or part of the sections described in paragraph (2) using objective criteria established by the Secretary by regulation after consultation with the States and other interested parties including consumers and providers.

''(2) SECTIONS.—The sections described in paragraph (1) are sections 1922(c), 1923, 1924 and 1928.

''(3) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) and inform the State of that decision not later than 120 days after the date on which the request and all the information needed to support the request are submitted.

''(4) ANNUAL REPORTING REQUIREMENT.—The Secretary shall annually report to the general public on the States that receive a waiver under this subsection.''.

(2) CONFORMING AMENDMENTS.—Effective upon the publication of the regulations developed in accordance with section 1932(e)(1) of the Public Health Service Act (42 U.S.C. 300x–32(d))—

(A) section 1922(c) of the Public Health Service Act (42 U.S.C. 300x–22(c)) is amended by—

(i) striking paragraph (2); and

(ii) redesignating paragraph (3) as paragraph (2); and

(B) section 1928(d) of the Public Health Service Act (42 U.S.C. 300x–28(d)) is repealed.

(h) AUTHORIZATION OF APPROPRIATION.—Section 1935 of the Public Health Service Act (42 U.S.C. 300x–35) is amended—

(1) in subsection (a), by striking ''$1,500,000,000'' and all that follows through the end and inserting ''$2,000,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.'';

(2) in subsection (b)(1), by striking ''section 505'' and inserting ''sections 505 and 1971'';

(3) in subsection (b)(2), by striking ''1949(a)'' and inserting ''1948(a)''; and

(4) in subsection (b), by adding at the end the following:

''(3) CORE DATA SET.—A State that receives a new grant, contract, or cooperative agreement from amounts available to the Secretary under paragraph (1), for the purposes of improving the data collection, analysis and reporting capabilities of the State, shall be required, as a condition of receipt of funds, to collect, analyze, and report to the Secretary for each fiscal year subsequent to receiving such funds a core data set to be determined by the Secretary in conjunction with the States.''.

SEC. 304. DETERMINATION OF ALLOTMENTS.

Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

''(b) MINIMUM ALLOTMENTS FOR STATES.—

''(1) IN GENERAL.—With respect to fiscal year 2000, and each subsequent fiscal year, the amount of the allotment of a State under section 1921 shall not be less than the amount the State received under such section for the previous fiscal year increased by an amount equal to 30.65 percent of the percentage by which the aggregate amount allotted to all States for such fiscal year exceeds the aggregate amount allotted to all States for the previous fiscal year.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not receive an allotment under section 1921 for a fiscal year in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 1935(a) for such fiscal year.

''(B) EXCEPTION.—In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 1921 for a fiscal year (as compared to the amount allotted to the State in the prior fiscal year) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 1935(a) for such fiscal year exceeds the amount appropriated for the prior fiscal year.

''(3) DECREASE IN OR EQUAL APPROPRIATIONS.—If the amount appropriated under section 1935(a) for a fiscal year is equal to or less than the amount appropriated under such section for the prior fiscal year, the amount of the State allotment under section 1921 shall be equal to the amount that the State received under section 1921 in the prior fiscal year decreased by the percentage by which the amount appropriated for such fiscal year is less than the amount appropriated or such section for the prior fiscal year.''.

SEC. 305. NONDISCRIMINATION AND INSTITUTIONAL SAFEGUARDS FOR RELIGIOUS PROVIDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–51 et seq.) is amended by adding at the end the following:

''SEC. 1955. SERVICES PROVIDED BY NONGOVERNMENTAL ORGANIZATIONS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide substance abuse services under this title and title V, and the receipt of services under such titles; and

''(2) to allow the organizations to accept the funds to provide the services to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals.

''(b) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—

''(1) IN GENERAL.—A State may administer and provide substance abuse services under any program under this title or title V through grants, contracts, or cooperative agreements to provide assistance to beneficiaries under such titles with nongovernmental organizations.

''(2) REQUIREMENT.—A State that elects to utilize nongovernmental organizations as provided for under paragraph (1) shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide services under substance abuse programs under this title or title V, so long as the programs under such titles are implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under such programs shall discriminate against an organization that provides services under, or applies to provide services under, such programs, on the basis that the organization has a religious character.

''(c) RELIGIOUS CHARACTER AND INDEPENDENCE.—

''(1) IN GENERAL.—A religious organization that provides services under any substance abuse program under this title or title V shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

''(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

''(A) to alter its form of internal governance; or

''(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide services under any substance abuse program under this title or title V.

''(d) EMPLOYMENT PRACTICES.—

''(1) TENETS AND TEACHINGS.—A religious organization that provides services under any substance abuse program under this title or title V may require that its employees providing services under such program adhere to the religious tenets and teachings of such organization, and such organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

''(2) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the religious organization's provision of services under, or receipt of funds from, any substance abuse program under this title or title V.

''(e) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

''(1) IN GENERAL.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, services funded under any substance abuse program under this title or title V, the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such services) within a reasonable period of time after the date of such objection, services that—

''(A) are from an alternative provider that is accessible to the individual; and

''(B) have a value that is not less than the value of the services that the individual would have received from such organization.

''(2) NOTICE.—The appropriate Federal, State, or local governmental entity shall ensure that notice is provided to individuals described in paragraph (3) of the rights of such individuals under this section.

''(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who receives or applies for services under any substance abuse program under this title or title V.

''(f) NONDISCRIMINATION AGAINST BENEFICIARIES.—A religious organization providing services through a grant, contract, or cooperative agreement under any substance abuse program under this title or title V shall not discriminate, in carrying out such program, against an individual described in subsection (e)(3) on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

''(g) FISCAL ACCOUNTABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing services under any substance abuse program under this title or title V shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

''(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such substance abuse program into a separate account. Only the government funds shall be subject to audit by the government.

''(h) COMPLIANCE.—Any party that seeks to enforce such party's rights under this section may assert a civil action for injunctive relief exclusively in an appropriate Federal or State court against the entity or agency that allegedly commits such violation.

''(i) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided through a grant or contract to a religious organization to provide services under any substance abuse program under this title or title V shall be expended for sectarian worship, instruction, or proselytization.

''(j) EFFECT ON STATE AND LOCAL FUNDS.—If a State or local government contributes State or local funds to carry out any substance abuse program under this title or title V, the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

''(k) TREATMENT OF INTERMEDIATE CONTRACTORS.—If a nongovernmental organization (referred to in this subsection as an 'intermediate organization'), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide services under any substance abuse program under this title or title V, the intermediate organization shall have the same duties under this section as the government but shall retain all other rights of a nongovernmental organization under this section.''.

SEC. 306. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

''SEC. 544. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing alcohol and drug prevention or treatment services for Indians and Native Alaskans.

''(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants that—

''(1) propose to provide alcohol and drug prevention or treatment services on reservations;

''(2) propose to employ culturally-appropriate approaches, as determined by the Secretary, in providing such services; and

''(3) have provided prevention or treatment services to Native Alaskan entities and Indian tribes and tribal organizations for at least 1 year prior to applying for a grant under this section.

''(c) DURATION.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for a period not to exceed 5 years.

''(d) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate. The final evaluation submitted by such entity shall include a recommendation as to whether such project shall continue.

''(f) REPORT.—Not later than 3 years after the date of enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal years 2001 and 2002.

''SEC. 545. ESTABLISHMENT OF COMMISSION.

''(a) IN GENERAL.—There is established a commission to be known as the Commission on Indian and Native Alaskan Health Care that shall examine the health concerns of Indians and Native Alaskans who reside on reservations and tribal lands (hereafter in this section referred to as the 'Commission').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Commission established under subsection (a) shall consist of—

''(A) the Secretary;

''(B) 15 members who are experts in the health care field and issues that the Commission is established to examine; and

''(C) the Director of the Indian Health Service and the Commissioner of Indian Affairs, who shall be nonvoting members.

''(2) APPOINTING AUTHORITY.—Of the 15 members of the Commission described in paragraph (1)(B)—

''(A) 2 shall be appointed by the Speaker of the House of Representatives;

''(B) 2 shall be appointed by the Minority Leader of the House of Representatives;

''(C) 2 shall be appointed by the Majority Leader of the Senate;

''(D) 2 shall be appointed by the Minority Leader of the Senate; and

''(E) 7 shall be appointed by the Secretary.

''(3) LIMITATION.—Not fewer than 10 of the members appointed to the Commission shall be Indians or Native Alaskans.

''(4) CHAIRPERSON.—The Secretary shall serve as the Chairperson of the Commission.

''(5) EXPERTS.—The Commission may seek the expertise of any expert in the health care field to carry out its duties.

''(c) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filed in the same manner as the original appointment.

''(d) DUTIES OF THE COMMISSION.—The Commission shall—

''(1) study the health concerns of Indians and Native Alaskans; and

''(2) prepare the reports described in subsection (i).

''(e) POWERS OF THE COMMISSION.—

''(1) HEARINGS.—The Commission may hold such hearings, including hearings on reservations, sit and act at such times and places, take such testimony, and receive such information as the Commission considers advisable to carry out the purpose for which the Commission was established.

''(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the purpose for which the Commission was established. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

''(f) COMPENSATION OF MEMBERS.—

''(1) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time), during which that member is engaged in the actual performance of the duties of the Commission.

''(2) LIMITATION.—Members of the Commission who are officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

''(g) TRAVEL EXPENSES OF MEMBERS.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under section 5703 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(h) COMMISSION PERSONNEL MATTERS.—

''(1) IN GENERAL.—The Secretary, in accordance with rules established by the Commission, may select and appoint a staff director and other personnel necessary to enable the Commission to carry out its duties.

''(2) COMPENSATION OF PERSONNEL.—The Secretary, in accordance with rules established by the Commission, may set the amount of compensation to be paid to the staff director and any other personnel that serve the Commission.

''(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

''(4) CONSULTANT SERVICES.—The Chairperson of the Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

''(i) REPORT.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that shall—

''(A) detail the health problems faced by Indians and Native Alaskans who reside on reservations;

''(B) examine and explain the causes of such problems;

''(C) describe the health care services available to Indians and Native Alaskans who reside on reservations and the adequacy of such services;

''(D) identify the reasons for the provision of inadequate health care services for Indians and Native Alaskans who reside on reservations, including the availability of resources;

''(E) develop measures for tracking the health status of Indians and Native Americans who reside on reservations; and

''(F) make recommendations for improvements in the health care services provided for Indians and Native Alaskans who reside on reservations, including recommendations for legislative change.

''(2) EXCEPTION.—In addition to the report required under paragraph (1), not later than 2 years after the date of enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes any alcohol and drug abuse among Indians and Native Alaskans who reside on reservations.

''(j) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal years 2001 and 2002.''.

TITLE IV—PROVISIONS RELATING TO FLEXIBILITY AND ACCOUNTABILITY

SEC. 401. GENERAL AUTHORITIES AND PEER REVIEW.

(a) GENERAL AUTHORITIES.—Paragraph (1) of section 501(e) of the Public Health Service Act (42 U.S.C. 290aa(e)) is amended to read as follows:

''(1) IN GENERAL.—There may be in the Administration an Associate Administrator for Alcohol Prevention and Treatment Policy to whom the Administrator may delegate the functions of promoting, monitoring, and evaluating service programs for the prevention and treatment of alcoholism and alcohol abuse within the Center for Substance Abuse Prevention, the Center for Substance Abuse Treatment and the Center for Mental Health Services, and coordinating such programs among the Centers, and among the Centers and other public and private entities. The Associate Administrator also may ensure that alcohol prevention, education, and policy strategies are integrated into all programs of the Centers that address substance abuse prevention, education, and policy, and that the Center for Substance Abuse Prevention addresses the Healthy People 2010 goals and the National Dietary Guidelines of the Department of Health and Human Services and the Department of Agriculture related to alcohol consumption.''.

(b) PEER REVIEW.—Section 504 of the Public Health Service (42 U.S.C. 290aa–3) is amended as follows:

''SEC. 504. PEER REVIEW.

''(a) IN GENERAL.—The Secretary, after consultation with the Administrator, shall require appropriate peer review of grants, cooperative agreements, and contracts to be administered through the agency which exceed the simple acquisition threshold as defined in section 4(11) of the Office of Federal Procurement Policy Act.

''(b) MEMBERS.—The members of any peer review group established under subsection (a) shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group. Not more than ¼ of the members of any such peer review group shall be officers or employees of the United States.

''(c) ADVISORY COUNCIL REVIEW.—If the direct cost of a grant or cooperative agreement (described in subsection (a)) exceeds the simple acquisition threshold as defined by section 4(11) of the Office of Federal Procurement Policy Act, the Secretary may make such a grant or cooperative agreement only if such grant or cooperative agreement is recommended—

''(1) after peer review required under subsection (a); and

''(2) by the appropriate advisory council.

''(d) CONDITIONS.—The Secretary may establish limited exceptions to the limitations contained in this section regarding participation of Federal employees and advisory council approval. The circumstances under which the Secretary may make such an exception shall be made public.''.

SEC. 402. ADVISORY COUNCILS.

Section 502(e) of the Public Health Service Act (42 U.S.C. 290aa–1(e)) is amended in the first sentence by striking ''3 times'' and inserting ''2 times''.

SEC. 403. GENERAL PROVISIONS FOR THE PERFORMANCE PARTNERSHIP BLOCK GRANTS.

(a) PLANS FOR PERFORMANCE PARTNERSHIPS.—Section 1949 of the Public Health Service Act (42 U.S.C. 300x–59) is amended as follows:

''SEC. 1949. PLANS FOR PERFORMANCE PARTNERSHIPS.

''(a) DEVELOPMENT.—The Secretary in conjunction with States and other interested groups shall develop separate plans for the programs authorized under subparts I and II for creating more flexibility for States and accountability based on outcome and other performance measures. The plans shall each include—

''(1) a description of the flexibility that would be given to the States under the plan;

''(2) the common set of performance measures that would be used for accountability, including measures that would be used for the program under subpart II for pregnant addicts, HIV transmission, tuberculosis, and those with a co-occurring substance abuse and mental disorders, and for programs under subpart I for children with serious emotional disturbance and adults with serious mental illness and for individuals with co-occurring mental health and substance abuse disorders;

''(3) the definitions for the data elements to be used under the plan;

''(4) the obstacles to implementation of the plan and the manner in which such obstacles would be resolved;

''(5) the resources needed to implement the performance partnerships under the plan; and

''(6) an implementation strategy complete with recommendations for any necessary legislation.

''(b) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the plans developed under subsection (a) shall be submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives.

''(c) INFORMATION.—As the elements of the plans described in subsection (a) are developed, States are encouraged to provide information to the Secretary on a voluntary basis.''.

(b) AVAILABILITY TO STATES OF GRANT PROGRAMS.—Section 1952 of the Public Health Service Act (42 U.S.C. 300x–62) is amended as follows:

"SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

''Any amounts paid to a State for a fiscal year under section 1911 or 1921 shall be available for obligation and expenditure until the end of the fiscal year following the fiscal year for which the amounts were paid.''.

SEC. 404. DATA INFRASTRUCTURE PROJECTS.

Part C of title XIX of the Public Health Service Act (42 U.S.C. 300y et seq.) is amended—

(1) by striking the headings for part C and subpart I and inserting the following:

"PART C—CERTAIN PROGRAMS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

"Subpart I—Data Infrastructure Development";

(2) by striking section 1971 (42 U.S.C. 300y) and inserting the following:

"SEC. 1971. DATA INFRASTRUCTURE DEVELOPMENT.

''(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts or cooperative agreements with States for the purpose of developing and operating mental health or substance abuse data collection, analysis, and reporting systems with regard to performance measures including capacity, process, and outcomes measures.

''(b) PROJECTS.—The Secretary shall establish criteria to ensure that services will be available under this section to States that have a fundamental basis for the collection, analysis, and reporting of mental health and substance abuse performance measures and States that do not have such basis. The Secretary will establish criteria for determining whether a State has a fundamental basis for the collection, analysis, and reporting of data.

''(c) CONDITION OF RECEIPT OF FUNDS.—As a condition of the receipt of an award under this section a State shall agree to collect, analyze, and report to the Secretary within 2 years of the date of the award on a core set of performance measures to be determined by the Secretary in conjunction with the States.

''(d) DURATION OF SUPPORT.—The period during which payments may be made for a project under subsection (a) may be not less than 3 years nor more than 5 years.

''(e) AUTHORIZATION OF APPROPRIATION.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000, 2001 and 2002.

''(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, 50 percent shall be expended to support data infrastructure development for mental health and 50 percent shall be expended to support data infrastructure development for substance abuse.''.

SEC. 405. REPEAL OF OBSOLETE ADDICT REFERRAL PROVISIONS.

(a) REPEAL OF OBSOLETE PUBLIC HEALTH SERVICE ACT AUTHORITIES.—Part E of title III (42 U.S.C. 257 et seq.) is repealed.

(b) REPEAL OF OBSOLETE NARA AUTHORITIES.—Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793) are repealed.

(c) REPEAL OF OBSOLETE TITLE 28 AUTHORITIES.—

(1) IN GENERAL.—Chapter 175 of title 28, United States Code, is repealed.

(2) TABLE OF CONTENTS.—The table of contents to part VI of title 28, United States Code, is amended by striking the items relating to chapter 175.

SEC. 406. INDIVIDUALS WITH CO-OCCURRING DISORDERS.

The Public Health Service Act is amended by inserting after section 503 (42 U.S.C. 290aa–2) the following:

"SEC. 503A. REPORT ON INDIVIDUALS WITH CO-OCCURRING MENTAL ILLNESS AND SUBSTANCE ABUSE DISORDERS.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall, after consultation with organizations representing States, mental health and substance abuse treatment providers, prevention specialists, individuals receiving treatment services, and family members of such individuals, prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report on prevention and treatment services for individuals who have co-occurring mental illness and substance abuse disorders.

''(b) REPORT CONTENT.—The report under subsection (a) shall be based on data collected from existing Federal and State surveys regarding the treatment of co-occurring mental illness and substance abuse disorders and shall include—

''(1) a summary of the manner in which individuals with co-occurring disorders are receiving treatment, including the most up-to-date information available regarding the number of children and adults with co-occurring mental illness and substance abuse disorders and the manner in which funds provided under sections 1911 and 1921 are being utilized, including the number of such children and adults served with such funds;

''(2) a summary of improvements necessary to ensure that individuals with co-occurring mental illness and substance abuse disorders receive the services they need;

''(3) a summary of practices for preventing substance abuse among individuals who have a mental illness and are at risk of having or acquiring a substance abuse disorder; and

''(4) a summary of evidenced-based practices for treating individuals with co-occurring mental illness and substance abuse disorders and recommendations for implementing such practices.

''(c) FUNDS FOR REPORT.—The Secretary may obligate funds to carry out this section with such appropriations as are available.''.

SEC. 407. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–51 et seq.) (as amended by section 305) is further amended by adding at the end the following:

"SEC. 1956. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.

''States may use funds available for treatment under sections 1911 and 1921 to treat persons with co-occurring substance abuse and mental disorders as long as funds available under such sections are used for the purposes for which they were authorized by law and can be tracked for accounting purposes.''.

AMENDMENT NO. 2507

(Purpose: To provide a grant program for strengthening families and to modify other provisions, and to make various technical corrections)

Mr. GRAMM. Senator FRIST has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for Mr. FRIST, proposes an amendment numbered 2507.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. FRIST. Mr. President, I am pleased that the United States Senate will pass today, S. 976, the ''Youth Drug and Mental Health Services Act,'' which I introduced on May 6, 1999. This action follows the overwhelming endorsement of the Health, Education, Labor and Pensions Committee, which passed this bill by a vote of 17 to 1 on July 28, 1999.

S. 976 represents a comprehensive attempt to address the tragedy of increasing drug use by our children. The 1998 National Household Survey on Drug Abuse, conducted by the Substance Abuse and Mental Health Services Administration (SAMHSA) estimated that nearly 9.9 percent of 12–17 year olds used drugs in the past month, which is dramatically higher that the 1992 rate of 5.3 percent. An estimated 8.3 percent of 12 to 17 year olds have used marijuana in the past month and nearly a quarter of our 8th graders and about half of all high school seniors have tried marijuana.

Let us not forget about the drug of choice for our youth and adolescents, alcohol. Although the legal drinking age is 21 in all States, SAMHSA reports that more than 50 percent of young adults age eighteen to twenty are consuming alcohol and more than 25 percent report having five or more drinks at one time during the past month.

There are many factors for this increase in youth substance abuse, but the factor that I, as a father, am most concerned with is the overall decline of the disapproval of drug use and the decline of the perception of the risk of drug use among our youth.

To help address this problem, the ''Youth Drug'' bill reauthorizes and improves SAMHSA by placing a renewed focus on youth and adolescent substance abuse and mental health services, while providing greater flexibility for States and new accountability in the use of funds based on performance.

SAMHSA, formerly known as the Alcohol, Drug Abuse, and Mental Health Services Administration (ADAMHA) was created in 1992 by the Public Law 102–321, the ADAMHA Reorganization Act. SAMHSA's purpose is to assist States in addressing the importance of reducing the incidence of substance abuse and mental illness by supporting programs for prevention and treatment. SAMHSA provides funds to States for alcohol and drug abuse prevention and treatment programs and activities, and mental health services through the Substance Abuse Prevention and Treatment and the Community Mental Health Services Block Grants.

SAMHSA's block grants are a major portion of this nation's response to substance abuse and mental health service needs, accounting for 40 percent and 15 percent respectively of all substance abuse and community mental health services funding in the States. In my own State of Tennessee, SAMHSA provides over 70 percent of overall funding for the Tennessee Department of Health's Bureau of Alcohol and Drug Abuse Services, which is headed by Dr. Stephanie Perry.

Last year Tennessee received over $25 million from the Substance Abuse Prevention and Treatment Block Grant to spend on treatment and prevention activities. With this funding the Tennessee Bureau of Alcohol and Drug

Abuse Services provides funding to community-based programs that offer a wide range of services throughout the State. In all, the block grant funds provided under this bill permits nearly 6,500 Tennesseans to receive the substance abuse treatment they desperately need.

Today, we in part finish an effort in the Senate that began several years ago to reform and improve our Nation's substance abuse and mental health services. While working on this effort, I have targeted six main goals which I am pleased to report has been accomplished by this legislation. These goals include: promoting State flexibility in block grant and discretionary funding by eliminating or stripping back the numerous outdated or unneeded requirements which Congress has mandated on the States in their expenditure of Federal block grant and discretionary funds; ensuring accountability for the expenditure of Federal funds by beginning the process of moving away from the inefficiency of a system based on expenditure of funds to a performance based system determined in consultation with the States and based upon States' needs; developing and supporting youth and adolescent substance abuse prevention and treatment initiatives by including provisions to provide substance abuse treatment services and early intervention substance abuse services for children and adolescents; developing and supporting mental health initiatives that are designed to prevent and respond to incidents of teen violence by authorizing provisions that will assist local communities in developing ways to treat violent youth and minimize outbreaks of youth violence by forming partnerships among the schools, law enforcement and mental health services; ensuring the availability of Federal funding for substance abuse or mental health emergencies by giving the Secretary the authority to use up to 3 percent of discretionary funding to respond to substance abuse or mental health emergencies, such as an outbreak of methamphetamine activity, without having to go through the peer review process which adds countless weeks and months to the agency's ability to respond; and supporting programs targeted for the homeless in treating mental health and substance abuse by reauthorizing programs which develop and expand mental health and substance abuse treatment services for homeless individuals, including outreach, screening and treatment, habilitation and rehabilitation to homeless individuals suffering from substance abuse or mental illness.

In addition to meeting these six goals, the bill that the Senate passed today addresses several additional important substance abuse and mental health issues.

S. 976 addresses the very crucial issue of how to treat individuals with a co-occurring mental health and substance abuse disorder. There has been considerable debate on how to treat these individuals, and I am pleased that the National Association of State Alcohol and Drug Abuse Directors and the National Association of State Mental Health Program Directors reached a consensus on this issue. This agreement includes language which acknowledges that both substance abuse and mental health block grant funds can be used to treat individuals with co-occurring disorders as long as the funds used can be tracked to show that substance abuse dollars were used for substance abuse services and mental health dollars were used for mental health services.

Another very important issue that is addressed in S. 976 is the proper and safe use of restraints and seclusions in mental health facilities. I would like to acknowledge the important work done on this issue by Senator DODD, who drafted the provisions included in the bill. He has been a true leader on this issue in the Senate and should be commended for bringing this issue to our attention.

There are also provisions in S. 976 to address the inadequacy of substance abuse services for American Indians and Native Alaskans. The bill establishes a Commission on Indian and Native Alaskan Health Care that shall carry out a comprehensive examination of the health concerns of Indians and Native Alaskans living on reservations or tribal lands.

And last, but not least, the bill has an important provision called ''charitable choice.'' This provision would permit religious organizations which provide substance abuse services to be eligible for Federal assistance either through the Substance Abuse Prevention and Treatment Block Grant or discretionary grants through SAMHSA. ''Charitable choice'' acknowledges that no one approach works for everyone who needs and wants substance abuse treatment and that faith-based programs have strong records of successful rehabilitation. Despite this success, faith-based programs are currently not allowed to receive to federal funds. The ''charitable choice'' provisions in this bill will not allow the Federal government to continue to discriminate against faith-based providers regarding substance abuse services. I will not outline all the provisions of the amendment at this time, but would instead like to point out that this provision is similar to the charitable choice provisions that Senator ASHCROFT offered to the Welfare Reform Act of 1996. I would like to thank the leadership of Senators ASHCROFT and ABRAHAM on this critical issue, and especially thank the hard work and dedication of Annie Billings of Senator ASHCROFT's staff.

I would like to thank all the Members of the Health, Education, Labor and Pensions Committee and their staffs for their help on this bipartisan piece of legislation, especially Senator KENNEDY and his staff Dr. David Pollack, Debra DeBruin and David Nexon who have been instrumental in helping to draft this legislation. I would also like to thank the contributions of the Chairman of the Committee, Senator JEFFORDS, and his staff members Philo Hall and Sean Donohue, Senator DEWINE and his staff member Karla Carpenter, Senator GREGG and his staff Alan Gilbert and Shalla Ross, Senator DODD and his staff Jeanne Ireland and Jim Fenton, Senator HARKIN and his staff Bryan Johnson, Senator MIKULSKI and her staff, Rhonda Richards, Senator BINGAMAN and his staff Dr. Robert Mendoza, Senator REED and his staff Rebecca Morley and Lisa German, and Senator WELLSTONE and his staff Ellen Gerrity and John Gilman. I would also like to thank my staff, Anne Phelps, the Staff Director of my Subcommittee on Public Health, and Dave Larson, my Health Policy Analyst, for their efforts on this bill. I would also like to thank Daphne Edwards of the Office of Legislative Counsel and Julia Christensen of the Congressional Budget Office for their contributions. Finally, I would like to thank an individual who has worked tirelessly in assisting us in getting this process to where we are today, Joe Faha, the Director of Legislation and External Affairs for SAMHSA.

Mr. President, the bill we passed today will ensure that Tennessee and other states will continue to receive critically needed Federal funds for community based programs to help individuals with substance abuse and mental health disorders. The changes within this bill will dramatically increase State flexibility in the use of Federal funds and ensure that each State is able to address its unique needs. The bill will also provide a much needed focus on the troubling issue of the recent increase in drug use by our youth and address how we can be helpful to local communities in regard to the issue of children and violence. I am pleased to see this bill pass the Senate and I look forward to its ultimate enactment into law.

Mr. KENNEDY. Mr. President, this bill is the result of a concerted and cooperative bipartisan effort. It is an important and timely piece of legislation that is long overdue, and I urge the Senate to support it.

Mental illness and substance abuse are national problems that need comprehensive and compassionate attention. These conditions do not respect party affiliation or race or age. They are equal opportunity destroyers, but they don't have to destroy at all.

States and local communities provide some of the most critical and ongoing services for persons who struggle with mental illness and substance abuse. This bill enables these dedicated providers to do an even better job with limited resources to accomplish their prevention and treatment goals.

Since we passed the original authorizing legislation for the Substance Abuse and Mental Health Services Administration in 1992, a number of major

clinical and service delivery issues have emerged which require legislative attention. Now we have crafted a bill that accomplishes a great deal and that includes significant compromises on a number of key issues.

The bill addresses three important clinical issues that have emerged in recent years: the growing problem of co-occurring mental health and substance abuse disorders, the distressing and pervasive impact of psychological trauma especially on our younger citizens, and the important relationship between mental health or substance abuse and primary care providers. It also places much greater emphasis on preventing and treating mental health and substance abuse problems in children and adolescents.

The provisions for children demonstrate the breadth and depth of this bill. It contains a children and violence initiative, centers of excellence for psychological trauma, grants for persons who experience violence-related stress, comprehensive substance abuse prevention and treatment for children and adolescents, special attention for children of substance abusers, wrap-around services for youth offenders, and special training centers to increase the sensitivity and competency of staff who work on these issues in the juvenile justice system.

The bill also addresses special problems that adults face. It maintains and expands support for critical programs that serve the homeless, extends its protection to persons who are served in community-based facilities, limits the use of seclusion and restraints in psychiatric facilities, and addresses the special circumstances of Native Americans.

I am particularly pleased with the initiatives to meet the intense service needs of persons with co-occurring mental health and substance abuse disorders. Often, they need innovative treatment approaches, including integrated mental health and addiction treatment facilities. Over the next two years, the Secretary will compile a report that establishes the best practices for helping this very challenging but treatable group.

The bill authorizes the Secretary to provide additional funding for projects on the increasingly important ties linking mental health or substance abuse and primary care. Family physicians and other primary care providers see many patients with a wide range of psychiatric and psychological problems. Too often, however, they do not recognize the mental health problems of their patients. Even if they do, they are often ill-prepared to provide adequate treatment or counseling. We can do much more to help primary care physicians do a better job of caring for patients with serious mental illnesses. This bill seeks to do that.

The bill also accomplishes several important organizational goals. It gives States more flexibility in administering their grant funds, and removes a number of bureaucratic obstacles to greater efficiency. In exchange for this easing of certain mandates, the States will enter into a cooperative agreement with the Administration in developing outcomes-based accountability measures.

The bill also gives the SAMHSA Administrator greater authority in managing discretionary grant funds. It enables the Administrator to make emergency grants to deal with immediate problems that cannot be addressed by the standard grant-making process.

In spite of the many excellent features in this bill, one provision is seriously flawed. The section that allows religious organizations to compete for public funds for the provision of substance abuse services violates the prohibition against certain forms of discrimination. I recognize the valuable role that faith-based organizations can play in helping to address a wide array of social problems. However, the recent proliferation of charitable choice provisions in federal social service programs runs the risk of creating a religious litmus test for those who provide these services, thus barring many trained, qualified professionals from providing services for faith-based organizations. We need to do more to avoid that discrimination.

Our goal is to help many of those in communities across the country who have received inadequate care in the past. The many excellent provisions in this bill will help to ensure that these children and adults will finally receive the care they need and deserve—without stigma or shame, but with dignity and respect—and America will be a better nation because of it.

I commend my colleagues for this important action to reauthorize the Substance Abuse and Mental Health Services Administration. I want to thank Senator FRIST and his Republican colleagues and their staffs for their skillful work for this genuine bipartisan achievement. I commend Senator DODD, who worked effectively on children's issues and the seclusion and restraint provision. Senator HARKIN contributed his important initiative on methamphetamine and inhalant abuse, and Senator DURBIN contributed his critical provision on residential treatment for pregnant women and women who have given birth. Senators BINGAMAN, WELLSTONE, and REED effectively collaborated on a series of significant child and adolescent provisions, and Senator BINGAMAN worked effectively on the needs of Native Americans. Senators MIKULSKI and MURRAY provided excellent counsel on many issues, especially the mental health and substance abuse treatment needs of women. I thank Joe Faha, SAMHSA's Director of Legislation, for his generous assistance throughout the process, as well as Nelba Chavez, the Administrator of SAMHSA. I especially thank David Pollack, David Nexon and Debra DeBruin on my staff, for their dedication and excellent work in bringing this bill to passage.

Mr. DODD. Mr. President, I rise in support of S. 976, Youth Drug and Mental Health Services Act, and to express my appreciation for the leadership that Senator FRIST has shown in moving this long-overdue legislation forward. At a time when so many other worthy legislative efforts have been derailed by partisan politics, the unanimous support for this measure in the Senate is particularly noteworthy.

Substance abuse and mental illness take a terrible toll on individuals, families and on society at-large. Each year, approximately 5.5 million Americans are disabled by severe mental illness and an estimated 4.1 million individuals are addicted to drugs, including 1.1 million of our children. In Connecticut alone, an estimated 130,000 adults suffer from severe mental illness and 224,000 are in need of substance abuse treatment. Among Connecticut's youth, an estimated 23,000 have a serious emotional or behavioral disorder.

Given that so many of our Nation's most intransigent social ills—poverty, violence, child abuse, premature death, and homelessness—have their roots in untreated substance abuse and mental illness, it is critical that we do all that we can to ensure that states, communities and families have the resources they need to combat these devastating conditions. This reauthorization of the Substance Abuse and Mental Health Services Act (SAMHSA) represents an important step in expanding and improving early intervention, prevention, and treatment services. Through S. 976, States are given the flexibility to develop innovative systems of care for substance abuse and mental health, but will also be required to improve accountability by developing performance measures and enhancing their data collection efforts.

I am particularly pleased that this reauthorization contains legislation that I introduced earlier this year, the Compassionate Care Act, which will address a critical issue that a Hartford Courant series brought to national attention last year—the inappropriate use of seclusion and restraint within mental health care facilities. The 5-day investigative series documented more than 140 deaths directly attributable to abusive seclusion and restraint practices. An additional investigation conducted by the General Accounting Office determined that 24 deaths of individuals with mental illnesses resulted from restraint or seclusion. However, both the Hartford Courant and the GAO report determined that these figures most likely represent just the tip of the iceberg of restraint and seclusion related deaths. In fact, the Harvard Center for Risk Analysis estimated that as many as 100–150 deaths each year may be caused by the inappropriate use of restraint and seclusion. This is a tragedy that must be stopped.

The Compassionate Care Act creates tough new limits on the use of potentially lethal restraints—whether physical or chemical in nature—sets rules

for training mental health care workers; and increases the likelihood that a wrongful death of a mental health patient will be investigated and prosecuted—not ignored. The legislation simply seeks to put an end to a shameful record of neglect and abuse of some our Nation's most vulnerable and least cared for individuals. Specifically, the Compassionate Care Act will ensure that physical restraints are no longer used for discipline or for the convenience of mental health facility staff by extending to the mental health population a standard that has been demonstrated to be effective in reducing the use of restraints and seclusion in nursing homes. This legislation will ensure that restraint and seclusion will only be used when a mentally ill individual poses an imminent threat either to himself or others.

Further, this legislation will require that all restraint and seclusion related deaths be reported to an appropriate oversight agency as determined by the Secretary of Health and Human Services. Presently, there is no standard federal reporting requirement for deaths as result of seclusion or restraint. The simple reporting measure in this legislation will greatly aid the federal government, as well as state and local oversight agencies, in tracking and investigating abusive treatment practices. The Compassionate Care Act will also require mental health care facilities to maintain adequate staffing levels and provide appropriate training for mental health care staff, who are often the least paid and least trained of all health care workers. These safeguards will hopefully prevent further harm to individuals who may be unable to protect themselves from abuse by those entrusted with their care. I thank Senator FRIST for working closely with my office in crafting this critically important part of SAMHSA's reauthorization.

I am also pleased that S. 976 incorporates legislation that I have cosponsored with Senator JEFFORDS, the Children of Substance Abusers Act (COSA). Children with substance abusing parents face serious health risks, including congenital birth defects and psychological, emotional, and developmental problems. We also know that substance abuse plays a major role in child abuse and neglect. In fact, it is estimated that children whose parents abuse drugs and/or alcohol are three times more likely to be abused and four times more likely to be neglected than children whose parents are not substance abusers. In an effort to lessen the terrible toll that substance abuse takes on children, COSA will promote aggressive outreach, early intervention, prevention, and treatment services to families struggling with addiction. In addition, COSA will strengthen the systems which provide these services by training professionals serving children and families in recognizing and addressing substance abuse.

I am also grateful that Senator FRIST agreed to include my Teen Substance Abuse Treatment Act of 1999 within this reauthorization. Each year, 400,000 teens and their families, including 7,000 in the state of Connecticut alone, will seek substance abuse treatment but find that it is either unavailable or unaffordable. At best only 20 percent of adolescents with severe alcohol and drug treatment problems who ask for help will receive any form of treatment. Without help, substance abuse puts young people's health at risk and exacerbates anti-social and violent behaviors. This legislation will provide grants to give youth substance abusers access to effective, age-appropriate treatment. It will also address the particular issues of youth involved with the juvenile justice system and those with mental health or other special needs. In short, this legislation will go a long way toward ensuring that no young person who seeks substance abuse treatment will be denied help.

I would also like to thank Senator FRIST for working with me and Senator GREGG on the Strengthening Families through Community Partnerships program, which will promote healthy early childhood development by intervening with at-risk families with young children and their communities. This legislation will support demonstrations to test the efficacy of deterring substance use and abuse and other high risk behaviors through a comprehensive substance abuse prevention program that targets the child's family.

I do have reservations, however, on one aspect of this legislation. While I support the ability of faith-based organizations to provide substance abuse services, I am concerned about provisions in this legislation that would allow religiously based facilities providing substance abuse services to hire only adherents to their own religion. The ability of faith-based providers to participate in providing valuable federally funded programs is a laudable goal. I firmly believe that faith-based substance abuse services can offer critical help in overcoming drug dependency. However, the ability of religiously based entities to provide federally funded programs within this legislation should not be allowed to blur the line between church and state and to erode crucial anti-discrimination protections.

S. 976 represents a bipartisan commitment to reducing the devastating impact of substance abuse and mental illness of our Nation's families. I want to again applaud Senator FRIST, Senator KENNEDY, Senator JEFFORDS, and other members of the Health and Education committee and their staffs for their efforts in developing this legislation and urge the House of Representatives to follow the Senate's lead by acting on this bill expeditiously.

Mr. ASHCROFT. Mr. President, I would like to take this opportunity to commend the members of the Senate Health, Education, Labor, and Pensions Committee for their efforts in crafting S. 976, the ''Youth Drug and Mental Health Services Act,'' which reauthorizes programs under the Substance Abuse and Mental Health Services Administration. In particular, I want to recognize the Chairman of the Subcommittee on Public Health, the Senator from Tennessee, Mr. FRIST, for his tremendous leadership in drafting this legislation.

I am especially pleased that this legislation contains the Charitable Choice provision—modeled after my Charitable Choice provision in the 1996 welfare reform law—which will expand the opportunities for religious organizations to provide substance abuse treatment services with SAMHSA block grant funds. This provision is also very similar to language contained in Senator ABRAHAM's legislation, the ''Faith-Based Drug Treatment Enhancement Act.''

While government substance abuse programs have not succeeded very well in helping people break free from addictions, faith-based drug treatment programs have been transforming shattered lives for years by addressing the deeper needs of people—by instilling hope and values which change destructive behavior and attitudes.

What results have they achieved? We have heard countless stories of the efficiency and effectiveness of these faith-based programs. Teen Challenge has shown that 86% of its graduates remain drug-free. These are individuals who finally broke free of addictions after being routed through a number of government drug treatment programs. The Bowery Mission in New York City has had the most effective free-standing substance abuse shelter in the city-wide system. Bowery also serves its clients at approximately 42% of the cost of some other city-sponsored men's substance abuse shelters. Mel Trotter Ministries in Grand Rapids, Michigan, named for its former alcoholic founder, has an astounding 70 percent long-term success rate in its faith-based rehabilitation program. According to director Thomas Laymon, government programs leave addicts without ''spiritual support.'' Worse, addicts ''are not held accountable for addictions, and they have no incentive to change their behavior.'' Meanwhile, Trotter Ministries provides guidance, a supportive community, and integration into a life beyond drugs. San Antonio's Victory Fellowship, run by Pastor Freddie Garcia, has saved thousands of addicts in some of the city's toughest neighborhoods. The program offers addicts a safe haven, a chance to recover, job training, and a chance to provide for themselves and their families. It has served more than 13,000 people and has a success rate of over 80%.

USA Today cited a study from Georgetown University Medical Center regarding recovery from opiate addiction. The study found that 45% of those who participated in a religious program were drug-free after one year,

while only 5% of those who participated in a non-religious program remained drug-free after a year.

Why are faith-based organizations successful? Because they see those they serve as people, not profiles. They come at this with a holistic approach. They address the moral and spiritual cause of the problems rather than simply dealing with the symptoms.

While some states may already collaborate with religious and charitable organizations in the area of substance abuse programs, Charitable Choice is intended to expand the use of these partnerships by clarifying to government officials and religious organizations alike what the constitutional ground rules are for these partnerships. If we know that faith-based substance abuse programs are successful in helping people break destructive addictions, government should encourage their expanded use. That is precisely what this legislation does.

The Charitable Choice provision in this legislation makes clear that states may direct SAMHSA block grant funds to religious organizations through contracts, grants, or cooperative agreements to provide substance abuse treatment services to beneficiaries. The provision reflects our belief in Congress that government should exercise neutrality when inviting the participation of non-governmental organizations to be service providers by considering all organizations—even religious ones—on an equal basis, and by focusing on whether the organization can provide the requested service, rather than on the religious or non-religious character of the organization.

Unfortunately, in the past, many faith-based organizations have been afraid—often rightfully so—of accepting governmental funds in order to help the poor and downtrodden. They fear that participation in government programs would not only require them to alter their buildings, internal governance, and employment practices, but also make them compromise the very religious character which motivates them to reach out to people in the first place.

Charitable Choice is intended to allay such fears and to prevent government officials from misconstruing constitutional law by banning faith-based organizations from the mix of private providers for fear of violating the Establishment Clause. Even when religious organizations are permitted to participate, government officials have often gone overboard by requiring such organizations to sterilize buildings or property of religious character and to remove any sectarian connections from their programs. This discrimination can destroy the character of many faith-based programs and diminish their effectiveness in helping people climb from despair and dependence to dignity and independence.

Charitable Choice embodies existing U.S. Supreme Court case precedents in an effort to clarify to government officials and charitable organizations alike what is constitutionally permissible when involving religiously-affiliated institutions. Based upon these precedents, the legislation provides specific protections for religious organizations when they provide services with government funds. For example, the government cannot discriminate against an organization on the basis of its religious character. A participating faith-based organization also retains its religious character and its control over the definition, development, practice, and expression of its religious beliefs.

Additionally, the government cannot require a religious organization to alter its form of internal governance or remove religious art, icons, or symbols to be eligible to participate. Finally, religious organizations may consider religious beliefs and practices in their employment decisions. I have been told by numerous faith-based entities and attorneys representing them that autonomy in employment decisions is crucial in maintaining an organization's mission and character.

Charitable Choice also states that funds going directly to religious organizations cannot be used for sectarian worship, instruction, or proselytization. Government dollars are to be used for the secular purpose of the legislation: providing effective treatment for substance abuse problems.

The Charitable Choice provision also contains important and necessary protections for beneficiaries of services, ensuring that they may not be discriminated against on the basis of religion. Also, if a beneficiary objects to receiving services from a religious provider, he has the right to demand that the State provide him with services from an alternative provider.

Mr. President, the Charitable Choice provision is truly bipartisan in nature. Shortly after passage of the federal welfare law, Texas Governor Bush signed an executive order directing ''all pertinent executive branch agencies to take all necessary steps to implement the 'charitable choice' provision of the federal welfare law.'' And earlier this year, Vice President GORE stated that Charitable Choice should be extended ''to other vital services where faith-based organizations can play a role, such as drug treatment, homelessness, and youth violence.'' The Vice President described why faith-based approaches have shown special promise with challenges such as drug addiction. He said that overcoming these types of problems ''takes something more than money or assistance—it requires an inner discipline and courage, deep within the individual. I believe that faith in itself is sometimes essential to spark a personal transformation—and to keep that person from falling back into addiction, delinquency, or dependency.''

Mr. President, I am pleased to say that today we are responding to the Vice President's call for expanding Charitable Choice to drug treatment programs. We are ready to provide people with resources needed to experience a personal transformation and break free from drug or alcohol addiction. Through the bipartisan effort of the Senate Health, Education, Labor, and Pensions Committee, we have legislation that will provide greater opportunities to those in our society who are fighting to overcome substance abuse problems.

Again, I want to thank Senator FRIST, his staff, Chairman JEFFORDS, and the rest of the Committee for their fine work on this legislation.

Mr. REED. Mr. President, today I would like to express my disappointment about a provision that the Majority chose to include in the Youth Drug and Mental Health Services Act, S.976. In Section 305 of the Act, the ''Charitable Choice'' provision permits all religious institutions, including pervasively religious organizations, such as churches and other houses of worship, to use taxpayer dollars to advance their religious mission. Given the Supreme Court precedent, I believe this provision is Constitutionally suspect and be subject to greater review when this bill goes to Conference with its House counterpart.

Although charitable choice has already become law as a part of welfare reform and the Community Services Block Grant, CSBG, portion of the Human Services Reauthorization Act, efforts are being made to expand this change to every program that receives federal financial assistance. The inclusion of charitable choice in this legislation is particularly disturbing since, unlike its application to the intermittent services provided under Welfare Reform and CSBG, Substance Abuse and Mental Health Services Administration (SAMHSA) funds are used to provide substance abuse treatment which is ongoing, involves direct counseling of beneficiaries and is often clinical in nature. In the context of these programs it would be difficult if not impossible to segregate religious indoctrination from the social service.

I agree with the Majority that faith-based organizations have an important and necessary role to play in combating many of our nation's social ills, including youth violence, homelessness, and substance abuse. In fact, I have seen first-hand the impact that faith-based organizations such as Catholic Charities have on delivering certain services to people in need in my own state. By enabling faith-based organizations to join in the battle against substance abuse, we add another powerful tool in our ongoing efforts to help people move from dependence to independence.

However, although there are great benefits that come with allowing religious organizations to provide social services with federal funds, the Vice President recently reminded us that ''clear and strict safeguards'' must exist to ensure that the dividing line

between church and state is not erased. Even the front runner for the Republican Presidential nomination, Governor George W. Bush, acknowledged to the New York Times that these safeguards are necessary: ''Bush said . . . that federal money would pay for services delivered by faith-based groups, not for the religious teachings espoused by the groups.''

In my home state of Rhode Island there is a tradition of religious tolerance and respect for the boundaries of religion and government. Indeed, Roger Williams, who was banished from the Massachusetts Bay Colony for his religious beliefs, founded Providence in 1636. The colony served as a refuge where all could come to worship as their conscience dictated without interference from the state. Understandably, Rhode Islanders remain mindful of mixing religion with its political system.

Mr. President, I am particularly concerned that without proper safeguards, well-intentioned proposals to help religious organizations aid needy populations, might actually harm the First Amendment's principle of separation of church and state. For example, the charitable choice provision creates a disturbing new avenue for employment discrimination and proselytization in programs funded by the Substance Abuse and Mental Health Services Administration. Under current law, many religiously-affiliated nonprofit organizations already provide government-funded social services without employment discrimination and without proselytization. However, the legislation before us extends title VII's religious exemption to cover the hiring practices of organizations participating in SAMHSA funded programs. As the Majority's report language points out, even if the organization is solely funded by SAMHSA, it may ''make employment decisions based upon religious reasons.''

For example, a federally funded substance abuse treatment program run by a church could fire or refuse to hire an individual who has remarried without properly validating his or her second marriage in the eyes of that church—even if he or she is a well-trained and successful substance abuse counselor.

This is not an entirely hypothetical example. In *Little* v. *Wuerl,* 929 F.2d 944 (3d Circ. 1991) the Court held that ''Congress intended the explicit exemptions to title VII to enable religious organizations to create and maintain communities composed solely of individuals faithful to their doctrinal practices, whether or not every individual plays a direct role in the organization's religious activities.'' The Court concluded that ''the permission to employ persons 'of a particular religion' includes permission to employ only persons whose beliefs and conduct are consistent with the employer's religious precepts.'' This may be acceptable when the religious organization is using its own money, but when it is using federal funds, with explicit prohibitions against proselytization, this kind of discrimination is a cause of considerable concern.

During markup, Senator KENNEDY and I introduced an amendment that would have addressed this issue by including important safeguards and protections for beneficiaries and employees of SAMHSA funded programs.

The Reed-Kennedy amendment would have removed the bill's provision that allows religious organizations to require that employees hired for SAMHSA funded programs must subscribe to the organization's religious tenets and teachings. Since section 305 prohibits religious organizations from proselytizing in conjunction with the dissemination of social services under SAMHSA programs, it is contradictory to permit religious organizations to require that their employees subscribe to the organization's tenets and teachings. Second, the amendment would have eliminated the bill's provision that extends title VII's religious exemption to cover the hiring practices of organizations participating in SAMHSA funded programs.

Ultimately, the modest proposal would not have reduced the ability of religious groups to hire co-religionists or more actively participate in SAMHSA funded programs. It merely would have eliminated the explicit ability to discriminate in taxpayer funded employment and left to the courts the decision of whether employees who work on, or are paid through, government grants or contracts are exempt from the prohibition on religious employment discrimination. Unfortunately, the Majority chose to vote against including the important safeguards proposed in the Reed-Kennedy amendment.

For the last 30 years, federal civil rights laws have expanded employment opportunities and sought to counter discrimination in the workplace. I recognize that we need the assistance of religious organizations in the battle against substance abuse, but without a far more robust and informed debate must be far more circumspect of efforts to expand current exemptions to title VII.

Mr. President, I believe we should enlist the assistance of religious organizations without undermining constitutional principles and civil rights law. Accordingly, I am concerned that the charitable choice provision, though laudable in concept, would have disturbing practical and constitutional consequences. Mr. President, I ask unanimous consent that letters expressing the view of the Unitarian Universalist Association of Congregations and the American Jewish Committee be printed in the RECORD so my colleagues may become more aware of these organizations' views on this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF GOVERNMENT AND INTERNATIONAL AFFAIRS,
Washington, DC, November 2, 1999.

Hon. JACK REED,
U.S. Senate, 320 Hart Senate Office Building, Washington, DC.

DEAR SENATOR REED: I write on behalf of the American Jewish Committee, the nation's oldest human relations organization with more than 100,000 members and supporters, to urge you to place a hold on S. 976, the Substance Abuse Mental Health Reauthorization Act, which includes ''charitable choice'' provisions that are both constitutionally flawed and bad public policy.

The ''charitable choice'' provisions in S. 976 constitute an unacceptable breach in the separation of church and state that has played so crucial a role in ensuring the strength of religion in America, and places a risk the quality of healthcare services provided to individuals with chemical abuse and dependency behavioral disorders.

To be sure, the history of social services in this country began with religious institutions, and the partnership between religiously affiliated institutions and government in the provision of those services is a venerable one. Catholic Charities, not to mention many Jewish agencies across this land, have engaged in such partnerships for many years. Far from objecting to that partnership, the American Jewish Committee, in its 1990 Report on Sectarian Social Services and Public Funding, termed the involvement of the religious sector in publicly-funded social service provision as ''desirable to the extent it is consistent with the Establishment Clause. It creates options for those who wish to receive the services, involves agencies and individuals motivated to provide the services, and helps to avoid making the government the sole provider of social benefits.''

What is new in the ''charitable choice'' arena is not the notion of a partnership of faith-based organizations and government. Rather the innovation of a ''charitable choice'' as a structure that seeks to ignore binding constitutional law, not to mention sound public policy, by permitting pervasively religious institutions, such as churches and other houses of worship, to receive taxpayer dollars for programs that have not been made discrete and institutionally separate. In so doing, and in failing to include other appropriate church-state safeguards, ''charitable choice'' opens the door to publicly funded programs in which recipients of social services may be proselytized. ''Charitable choice'' also creates a real possibility of creating rifts among the various faith groups as they compete for public funding and allows religious providers to engage in religious discrimination against employers who are paid with taxpayers dollars. (Although religious institutions are permitted to hire co-religionists in the contest of private religious activity, it is simply improper for taxpayer dollars to be used to fund religious discrimination.)

There is yet another aspect of the ''charitable choice'' initiative that is cause for concern. With government dollars comes government oversight. But this kind of intrusion into the affairs of religious organizations, at least in the case of pervasively sectarian organizations, is exactly the type of entangelememt of religious and state against which the Constitution guards. Such intrusion can have no effect but to undermine the distinctiveness, indeed the very mission, of religious institutions.

In addition to the foregoing, we are greatly concerned by the portion of S. 976's ''charitable choice'' provisions that allow sectarian providers of treatment for chronic substance abuse conditions, such as alcoholism, and

drug addiction, to avoid clinically based certification and licensure standards. This legislation should not be allowed to go forward without necessary improvements to the bill to provide essential church-state protections, and without closer examination of the consequences of allowing sectarian care providers to avoid compliance with applicable state education, training and credentialing standards.

Thank you for your consideration of our views on this very important matter.

Sincerely,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

UNITARIAN UNIVERSALIST
ASSOCIATION OF CONGREGATIONS,
Washington, DC, November 2, 1999.

STATEMENT OF THE UNITARIAN UNIVERSALIST ASSOCIATION OF CONGREGATIONS OPPOSITION TO THE ''CHARITABLE CHOICE'' PROVISIONS OF S. 976

The Unitarian Universalist Association of Congregations has a long, proud record of support for both religious freedom and the separation of church and state. Our General Assembly has issued 10 resolutions since 1961 to this effect. It is thus with little hesitation that we voice our strong opposition to the ''Charitable Choice'' provisions of S. 976, SAMHSA, the Youth, Drug, and Mental Health Services Act.

These and other similar Charitable Choice provisions undermine the separation of church and state by (1) promoting excessive entanglement between church and state; and (2) privileging certain religions and religious institutions above others.

It does this in the fellowing ways:

By channeling government money into ''pervasively sectarian'' institutions. The Supreme Court has already clearly ruled that the government cannot fund ''pervasively sectarian'' institutions.

By fostering inappropriate competition among religious groups for government money. With limited funding available for any one service, governments will be required to decide which religious institutions will receive funding and which will not. This necessarily puts those governments in the wholly un-Constitutional position of discriminating among religious groups.

By allowing government-funded institutions to discriminate in their employment on the basis of religion. This amounts to federally-funded employment discrimination, thus violating myriad employment and civil rights laws.

By subjecting service-recipients to government-sanctioned proselytization and religious oppression. Individuals receiving government services should not have ''religious strings'' attached to those services.

By encouraging religious institutions to ''follow the dollars'' when deciding what type of social services to provide. As a result, it may encourage these organizations to move away from their historic commitment to providing social services designed to meet basic human needs. We believe that religious groups are better suited to address these urgent human needs than they are to deal with the more complex mental and other health services that require trained professionals. These services are best left to government agencies or institutions closely regulated by governments.

We in the faith community speak often of ''right relationship.'' We strive for ''right relationship'' in the world on many levels, both personal (such as between worshipper and God) and political (such as between church and state). To the Unitarian Universalist Association of Congregations, Charitable Choice legislation violates the right relationship between church and state.

In our vision of ''right'' church-state relations, ''pervasively sectarian'' institutions have the freedom to provide whatever services they chose with their own financial resources. ''Religiously affiliated'' institutions can accept government funding to provide basic human needs services, so long as they do so with no ''religious strings'' attached.

If mental and other health-related human needs are not being met by government agencies, than those agencies should adopt new strategies and approaches. Rather than throwing money at religious groups—who are not situated to handle such needs—adequate freedom and resources should be given to the relevant government agencies so that they may innovate and expand in the necessary ways.

Many Americans struggle with disease, drug addiction, hunger, and poverty. Both religious groups and the government have a responsibility to help those in need. Each is best suited to provide a particular kind of service. Rather than blurring the lines of responsibility, each should re-examine how it can do better what it is better suited to do.

The information available now indicates that very few religious institutions are pursuing funding under the ''Charitable Choice'' provisions of the 1996 Welfare Reform Law. Wisely, they are wary of the problems associated with government funding of religious institutions. Congress should take this as a clear sign that ''Charitable Choice'' is not an appropriate answer to the problems of adequate service provision.

Like others in the religious world, the Unitarian Universalist Association of Congregations is fully committed to helping those in need. We are concerned, however, that the public policies relating to these issues are good ones—appropriate and responsible—that fully respect both the needs and rights of those people receiving services. For the reasons stated above, we do not believe that ''Charitable Choice'' provisions are appropriate or responsible policy.

The Unitarian Universalist Association of Congregations opposes ''Charitable Choice'' and urges Congress to do the same.

Sincerely,

ROB CAVENAUGH,
Legislative Director.

Mr. GRAMM. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute be agreed to, the bill be read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2507) was agreed to.

The committee substitute amendment was agreed to.

The bill (S. 976), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

CELEBRATING 50TH ANNIVERSARY OF GENEVA CONVENTIONS OF 1949

Mr. GRAMM. Mr. President, I ask unanimous consent that H. Con. Res. 102 be discharged from the Judiciary Committee and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 102) celebrating the 50th anniversary of the Geneva Conventions of 1949 and recognizing humanitarian safeguards these treaties provide in times of armed conflict.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRAMM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 102) was agreed to.

The preamble was agreed to.

FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 309, S. 1232.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1232) to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2508

(Purpose: To provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code)

Mr. GRAMM. Mr. President, Senators COCHRAN and AKAKA have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] for Mr. COCHRAN, for himself and Mr. AKAKA, proposes an amendment numbered 2508.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GRAMM. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2508) was agreed to.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1232), as amended, was read the third time and passed, as follows:

S. 1232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Erroneous Retirement Coverage Corrections Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ANNUITANT.—The term ''annuitant'' has the meaning given such term under section 8331(9) or 8401(2) of title 5, United States Code.

(2) CSRS.—The term ''CSRS'' means the Civil Service Retirement System.

(3) CSRDF.—The term ''CSRDF'' means the Civil Service Retirement and Disability Fund.

(4) CSRS COVERED.—The term ''CSRS covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than service subject to section 8334(k) of such title.

(5) CSRS-OFFSET COVERED.—The term ''CSRS-Offset covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(6) EMPLOYEE.—The term ''employee'' has the meaning given such term under section 8331(1) or 8401(11) of title 5, United States Code.

(7) EXECUTIVE DIRECTOR.—The term ''Executive Director of the Federal Retirement Thrift Investment Board'' or ''Executive Director'' means the Executive Director appointed under section 8474 of title 5, United States Code.

(8) FERS.—The term ''FERS'' means the Federal Employees' Retirement System.

(9) FERS COVERED.—The term ''FERS covered'', with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(10) FORMER EMPLOYEE.—The term ''former employee'' means an individual who was an employee, but who is not an annuitant.

(11) OASDI TAXES.—The term ''OASDI taxes'' means the OASDI employee tax and the OASDI employer tax.

(12) OASDI EMPLOYEE TAX.—The term ''OASDI employee tax'' means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI EMPLOYER TAX.—The term ''OASDI employer tax'' means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(14) OASDI TRUST FUNDS.—The term ''OASDI trust funds'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(15) OFFICE.—The term ''Office'' means the Office of Personnel Management.

(16) RETIREMENT COVERAGE DETERMINATION.—The term ''retirement coverage determination'' means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(17) RETIREMENT COVERAGE ERROR.—The term ''retirement coverage error'' means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986.

(18) SOCIAL SECURITY-ONLY COVERED.—The term ''Social Security-Only covered'', with respect to any service, means Government service that—

(A) constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410); and

(B)(i) is subject to OASDI taxes; but

(ii) is not subject to CSRS or FERS.

(19) SURVIVOR.—The term ''survivor'' has the meaning given such term under section 8331(10) or 8401(28) of title 5, United States Code.

(20) THRIFT SAVINGS FUND.—The term ''Thrift Savings Fund'' means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—This Act shall apply with respect to retirement coverage errors that occur before, on, or after the date of enactment of this Act.

(b) LIMITATION.—Except as otherwise provided in this Act, this Act shall not apply to any erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986.

SEC. 4. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) by an employee or any other individual under this Act shall be irrevocable.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employees and Annuitants Who Should Have Been FERS Covered, but Who Were Erroneously CSRS Covered or CSRS-Offset Covered Instead, and Survivors of Such Employees and Annuitants

SEC. 101. EMPLOYEES.

(a) APPLICABILITY.—This section shall apply in the case of any employee or former employee who should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered or CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described under paragraph (3). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS-Offset covered, such individual shall be treated as CSRS-Offset covered, retroactive to the date of the retirement coverage error.

(2) COVERAGE.—

(A) ELECTION.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or FERS covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election by the date provided under subparagraph (A), a CSRS-Offset covered individual shall remain CSRS-Offset covered and a CSRS covered individual shall be treated as CSRS-Offset covered.

(3) REGULATIONS.—The Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b).

(2) COVERAGE.—

(A) ELECTION.—

(i) CSRS-OFFSET COVERED.—Not later than 180 days after the date of enactment of this

Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(ii) THRIFT SAVINGS FUND CONTRIBUTIONS.—If under this section an individual elects to be CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of FERS coverage (and earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(B) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 208, and any amount not waived is repaid.

(C) INELIGIBILITY FOR ELECTION.—An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424 of title 5, United States Code, or a distribution under section 8433 (b), (c), or (h)(1)(A) of title 5, United States Code, may not make an election under this subsection.

(3) CORRECTIVE ACTION TO REMAIN IN EFFECT.—If an individual is ineligible to make an election or does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

SEC. 102. ANNUITANTS AND SURVIVORS.

(a) IN GENERAL.—This section shall apply in the case of an individual who is—

(1) an annuitant who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead; or

(2) a survivor of an employee who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead.

(b) COVERAGE.—

(1) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing an individual described under subsection (a) to elect CSRS-Offset coverage or FERS coverage, effective as of the date of the retirement coverage error.

(2) TIME LIMITATION.—An election under this subsection shall be made not later than 18 months after the effective date of the regulations prescribed under paragraph (1).

(3) REDUCED ANNUITY.—

(A) AMOUNT IN ACCOUNT.—If the individual elects CSRS-Offset coverage, the amount in the employee's Thrift Savings Fund account under subchapter III of chapter 84 of title 5, United States Code, on the date of retirement that represents the Government's contributions and earnings on those contributions (whether or not such amount was subsequently distributed from the Thrift Savings Fund) will form the basis for a reduction in the individual's annuity, under regulations prescribed by the Office.

(B) REDUCTION.—The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(4) REDUCED BENEFIT.—If—

(A) a surviving spouse elects CSRS-Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS-Offset benefit shall be subject to a reduction, under regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to under subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(5) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error may not make an election under this subsection unless repayment of that amount is waived in whole or in part under section 208, and any amount not waived is repaid.

(c) NONELECTION.—If the individual does not make an election under subsection (b) before any time limitation under this section, the retirement coverage shall be subject to the following rules:

(1) CORRECTIVE ACTION PREVIOUSLY TAKEN.—If corrective action was taken before the end of any time limitation under this section, that corrective action shall remain in effect.

(2) CORRECTIVE ACTION NOT PREVIOUSLY TAKEN.—If corrective action was not taken before such time limitation, the employee shall be CSRS-Offset covered, retroactive to the date of the retirement coverage error.

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, but Who Was Erroneously Social Security-Only Covered Instead

SEC. 111. APPLICABILITY.

This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

SEC. 112. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected, the corrective action previously taken shall remain in effect.

Subtitle C—Employee Who Should or Could Have Been Social Security-Only Covered but Who Was Erroneously CSRS-Offset Covered or CSRS Covered Instead

SEC. 121. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS OR CSRS-OFFSET COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered employee was erroneously CSRS covered or CSRS-Offset covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (3).

(2) COVERAGE.—In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such individual shall be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(3) ELECTION.—

(A) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain CSRS-Offset covered.

(C) REGULATIONS.—The Office shall prescribe regulations to carry out this paragraph.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b)(3).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

Subtitle D—Employee Who Was Erroneously FERS Covered

SEC. 131. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, CSRS COVERED, OR CSRS-OFFSET COVERED AND IS NOT FERS-ELIGIBLE, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered, CSRS covered, or CSRS-Offset covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (2).

(2) COVERAGE.—

(A) ELECTION.—

(i) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to remain FERS covered or to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would have applied in the absence of the erroneous retirement coverage determination, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(ii) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain FERS covered, effective as of the date of the retirement coverage error.

(3) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual elects to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered,

all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under section 8351 or 8432 of title 5, United States Code.

(4) REGULATIONS.—Except as provided under paragraph (3), the Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under paragraph (2).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations to remain Social Security-Only covered, CSRS covered, or CSRS-Offset covered, or to be FERS covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2), the corrective action taken before the end of any time limitation under this subsection shall remain in effect.

(4) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

SEC. 132. FERS-ELIGIBLE EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, CSRS-OFFSET COVERED, OR SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY FERS COVERED INSTEAD WITHOUT AN ELECTION.

(a) IN GENERAL.—

(1) FERS ELECTION PREVENTED.—If an individual was prevented from electing FERS coverage because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act or the Federal Employees' Retirement System Open Enrollment Act of 1997 (Public Law 105–61; 111 Stat. 1318 et seq.), the individual—

(A) is deemed to have elected FERS coverage; and

(B) shall remain covered by FERS, unless the individual declines, under regulations prescribed by the Office, to be FERS covered.

(2) DECLINING FERS COVERAGE.—If an individual described under paragraph (1)(B) declines to be FERS covered, such individual shall be CSRS covered, CSRS-Offset covered, or Social Security-Only covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(b) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual declines to be FERS covered and instead is Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a FERS election, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(c) INAPPLICABILITY OF DURATION OF ERRONEOUS COVERAGE.—This section shall apply regardless of the length of time the erroneous coverage determination remained in effect.

SEC. 133. RETROACTIVE EFFECT.

This subtitle shall be effective as of January 1, 1987, except that section 132 shall not apply to individuals who made or were deemed to have made elections similar to those provided in this section under regulations prescribed by the Office before the effective date of this Act.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, but Who Was Erroneously CSRS Covered Instead

SEC. 141. APPLICABILITY.

This subtitle shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

SEC. 142. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected before the effective date of this Act, the corrective action taken before such date shall remain in effect.

Subtitle F—Employee Who Should Have Been CSRS Covered, but Who Was Erroneously CSRS-Offset Covered Instead

SEC. 151. APPLICABILITY.

This subtitle shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

SEC. 152. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected before the effective date of this Act, the corrective action taken before such date shall remain in effect.

TITLE II—GENERAL PROVISIONS

SEC. 201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

Government agencies shall take all such measures as may be reasonable and appropriate to promptly identify and notify individuals who are (or have been) affected by a retirement coverage error of their rights under this Act.

SEC. 202. INFORMATION TO BE FURNISHED TO AND BY AUTHORITIES ADMINISTERING THIS ACT.

(a) APPLICABILITY.—The authorities identified in this subsection are—

(1) the Director of the Office of Personnel Management;

(2) the Commissioner of Social Security; and

(3) the Executive Director of the Federal Retirement Thrift Investment Board.

(b) AUTHORITY TO OBTAIN INFORMATION.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this Act. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) AUTHORITY TO PROVIDE INFORMATION.—Each authority identified in subsection (a) may provide directly to any department or agency of the United States all information such authority believes necessary to enable the department or agency to carry out its responsibilities under this Act.

(d) LIMITATION; SAFEGUARDS.—Each of the respective authorities under subsection (a) shall—

(1) request or provide only such information as that authority considers necessary; and

(2) establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 203. SERVICE CREDIT DEPOSITS.

(a) CSRS DEPOSIT.—In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS-Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code, and regulations prescribed by the Office, shall be paid to the employee, the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8424(d) of title 5, United States Code.

(b) FERS DEPOSIT.—

(1) APPLICABILITY.—This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee owed a service credit deposit under section 8411(f) of title 5, United States Code; and

(B)(i) there is a subsequent retroactive change to CSRS or CSRS-Offset coverage; or

(ii) the service becomes creditable under chapter 83 of title 5, United States Code.

(2) REDUCED ANNUITY.—

(A) IN GENERAL.—If at the time of commencement of an annuity there is remaining unpaid CSRS civilian or military service credit deposit for service described under paragraph (1), the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) AMOUNT.—The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of the unreduced annuity benefit that would have been provided the individual.

(3) SURVIVOR ANNUITY.—

(A) IN GENERAL.—If at the time of commencement of a survivor annuity, there is remaining unpaid any CSRS service credit deposit described under paragraph (1), and there has been no actuarial reduction in an annuity under paragraph (2), the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) AMOUNT.—The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced survivor annuity benefit that would have been provided the individual.

SEC. 204. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) DEFINITIONS.—In this section, the term—

(1) ''covered individual'' means any employee, former employee, or annuitant who—

(A) is or was employed erroneously subject to CSRS coverage as a result of a retirement coverage error; and

(B) is or was retroactively converted to CSRS-offset coverage, FERS coverage, or Social Security-only coverage; and

(2) ''excess CSRS deduction amount'' means an amount equal to the difference between the CSRS deductions withheld and the CSRS-Offset or FERS deductions, if any, due with respect to a covered individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—

(1) IN GENERAL.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed a covered individual to report (in coordination with the Office of Personnel Management) in such form and within such timeframe as the Commissioner may specify, any or all of—

(A) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage; and

(B) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) COMPLIANCE.—The head of an agency or the Office shall comply with a request from the Commissioner under paragraph (1).

(3) WAGES.—For purposes of section 201 of the Social Security Act (42 U.S.C. 401), wages reported under this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1986.

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—

(1) IN GENERAL.—The Office shall transfer from the Civil Service Retirement and Disability Fund to the General Fund of the Treasury an amount equal to the lesser of the excess CSRS deduction amount or the OASDI taxes due for covered individuals (as adjusted by amounts transferred relating to applicable OASDI employee taxes as a result of corrections made, including corrections made before the date of enactment of this Act). If the excess CSRS deductions exceed the OASDI taxes, any difference shall be paid to the covered individual or survivors, as appropriate.

(2) TRANSFER.—Amounts transferred under this subsection shall be determined notwithstanding any limitation under section 6501 of the Internal Revenue Code of 1986.

(d) PAYMENT OF OASDI EMPLOYER TAXES.—

(1) IN GENERAL.—Each employing agency shall pay an amount equal to the OASDI employer taxes owed with respect to covered individuals during the applicable period of erroneous coverage (as adjusted by amounts transferred for the payment of such taxes as a result of corrections made, including corrections made before the date of enactment of this Act).

(2) PAYMENT.—Amounts paid under this subsection shall be determined subject to any limitation under section 6501 of the Internal Revenue Code of 1986.

(e) APPLICATION OF OASDI TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986 TO AFFECTED INDIVIDUALS AND EMPLOYING AGENCIES.—A covered individual and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period such individual was erroneously subject to CSRS coverage as a result of a retirement coverage error based on the payments and transfers made under subsections (c) and (d). No credit or refund of taxes on such wages shall be allowed as a result of this subsection.

SEC. 205. THRIFT SAVINGS PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) APPLICABILITY.—This section applies to an individual who—

(1) is eligible to make an election of coverage under section 101 or 102, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is described in section 111, and makes or has made retroactive employee contributions to the Thrift Savings Fund under regulations prescribed by the Executive Director.

(b) PAYMENT INTO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—

(A) PAYMENT.—With respect to an individual to whom this section applies, the employing agency shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a(a)(2) of such title on the employee's retroactive contributions to such Fund.

(B) AMOUNT.—Earnings under subparagraph (A) shall be computed in accordance with the procedures for computing lost earnings under section 8432a of title 5, United States Code. The amount paid by the employing agency shall be treated for all purposes as if that amount had actually been earned on the basis of the employee' s contributions.

(C) EXCEPTIONS.—If an individual made retroactive contributions before the effective date of the regulations under section 101(c), the Director may provide for an alternative calculation of lost earnings to the extent that a calculation under subparagraph (B) is not administratively feasible. The alternative calculation shall yield an amount that is as close as practicable to the amount computed under subparagraph (B), taking into account earnings previously paid.

(2) ADDITIONAL EMPLOYEE CONTRIBUTION.—In cases in which the retirement coverage error was corrected before the effective date of the regulations under section 101(c), the employee involved shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions (including any contributions made after the date of the correction) shall be treated in accordance with paragraph (1).

(c) REGULATIONS.—

(1) EXECUTIVE DIRECTOR.—The Executive Director shall prescribe regulations appropriate to carry out this section relating to retroactive employee contributions and payments made on or after the effective date of the regulations under section 101(c).

(2) OFFICE.—The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section relating to the calculation of lost earnings on retroactive employee contributions made before the effective date of the regulations under section 101(c).

SEC. 206. CERTAIN AGENCY AMOUNTS TO BE PAID INTO OR REMAIN IN THE CSRDF.

(a) CERTAIN EXCESS AGENCY CONTRIBUTIONS TO REMAIN IN THE CSRDF.—

(1) IN GENERAL.—Any amount described under paragraph (2) shall—

(A) remain in the CSRDF; and

(B) may not be paid or credited to an agency.

(2) AMOUNTS.—Paragraph (1) refers to any amount of contributions made by an agency under section 8423 of title 5, United States Code, on behalf of any employee, former employee, or annuitant (or survivor of such employee, former employee, or annuitant) who makes an election to correct a retirement coverage error under this Act, that the Office determines to be excess as a result of such election.

(b) ADDITIONAL EMPLOYEE RETIREMENT DEDUCTIONS TO BE PAID BY AGENCY.—If a correction in a retirement coverage error results in an increase in employee deductions under section 8334 or 8422 of title 5, United States Code, that cannot be fully paid by a reallocation of otherwise available amounts previously deducted from the employee's pay as employment taxes or retirement deductions, the employing agency—

(1) shall pay the required additional amount into the CSRDF; and

(2) shall not seek repayment of that amount from the employee, former employee, annuitant, or survivor.

SEC. 207. CSRS COVERAGE DETERMINATIONS TO BE APPROVED BY OPM.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 208. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) IN GENERAL.—The Director of the Office of Personnel Management may—

(1) extend the deadlines for making elections under this Act in circumstances involving an individual's inability to make a timely election due to a cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive payments required due to correction of a retirement coverage error under this Act.

(b) SIMILAR ACTIONS.—In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) JUDICIAL REVIEW.—Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) REPORT.—The Office of Personnel Management shall, not later than 180 days after

the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 209. REGULATIONS.

(a) IN GENERAL.—In addition to the regulations specifically authorized in this Act, the Office may prescribe such other regulations as are necessary for the administration of this Act.

(b) FORMER SPOUSE.—The regulations prescribed under this Act shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

TITLE III—OTHER PROVISIONS

SEC. 301. PROVISIONS TO AUTHORIZE CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—Sections 827 and 851 of the Foreign Service Act of 1980 (22 U.S.C. 4067 and 4071) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

SEC. 302. AUTHORIZATION OF PAYMENTS.

All payments authorized or required by this Act to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this Act, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS ACT.

Nothing in this Act shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this Act).

TITLE IV—TAX PROVISIONS

SEC. 401. TAX PROVISIONS.

(a) PLAN QUALIFICATION.—No retirement plan of the United States (or any agency thereof) shall fail to be treated as a qualified plan under the Internal Revenue Code of 1986 by reason of—

(1) any failure to follow plan terms as addressed by this Act; or

(2) any action taken under this Act.

(b) TRANSFERS.—For purposes of the Internal Revenue Code of 1986, no amount shall be includible in the gross income of any individual in any tax year by reason of any direct transfer under this Act between funds or any Government contribution under this Act to any fund or account in any such tax year.

TITLE V—MISCELLANEOUS RETIREMENT PROVISIONS

SEC. 501. FEDERAL RESERVE BOARD PORTABILITY OF SERVICE CREDIT.

(a) CREDITABLE SERVICE.—

(1) IN GENERAL.—Section 8411(b) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) in paragraph (4)—

(i) by striking ''of the preceding provisions'' and inserting ''other paragraph''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) a period of service (other than any service under any other paragraph of this subsection, any military service, and any service performed in the employ of a Federal Reserve Bank) that was creditable under the Bank plan (as defined in subsection (i)), if the employee waives credit for such service under the Bank plan and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)).

Paragraph (5) shall not apply in the case of any employee as to whom subsection (g) (or, to the extent subchapter III of chapter 83 is involved, section 8332(n)) otherwise applies.''.

(2) BANK PLAN DEFINED.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(i) For purposes of subsection (b)(5), the term 'Bank plan' means the benefit structure—

''(1) in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate; and

''(2) that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter).''.

(b) EXCLUSION FROM CHAPTER 84.—

(1) IN GENERAL.—Paragraph (2) of section 8402(b) of title 5, United States Code, is amended by striking the matter before subparagraph (B) and inserting the following:

''(2)(A) any employee or Member who has separated from the service after—

''(i) having been subject to—

''(I) subchapter III of chapter 83 of this title;

''(II) subchapter I of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); or

''(III) the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act; and

''(ii) having completed—

''(I) at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title;

''(II) at least 5 years of civilian service creditable under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); or

''(III) at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act,

determined without regard to any deposit or redeposit requirement under either such subchapter or under such benefit structure, or any requirement that the individual become subject to either such subchapter or to such benefit structure after performing the service involved; or''.

(2) EXCEPTION.—Subsection (d) of section 8402 of title 5, United States Code, is amended to read as follows:

''(d) Paragraph (2) of subsection (b) shall not apply to an individual who—

''(1) becomes subject to—

''(A) subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4071 et seq.) (relating to the Foreign Service Pension System) pursuant to an election; or

''(B) the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter); and

''(2) subsequently enters a position in which, but for paragraph (2) of subsection (b), such individual would be subject to this chapter.''.

(c) PROVISIONS RELATING TO CERTAIN FORMER EMPLOYEES.—A former employee of the Board of Governors of the Federal Reserve System who—

(1) has at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act;

(2) was subsequently employed subject to the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of chapter 84 of title 5, United States Code); and

(3) after service described in paragraph (2), becomes subject to and thereafter entitled to benefits under chapter 84 of title 5, United States Code,

shall, for purposes of section 302 of the Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 601) be considered to have become subject to chapter 84 of title 5, United States Code, pursuant to an election under section 301 of such Act.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) PROVISIONS RELATING TO CREDITABILITY AND CERTAIN FORMER EMPLOYEES.—The amendments made by subsection (a) and the provisions of subsection (c) shall apply only to individuals who separate from service subject to chapter 84 of title 5, United States Code, on or after the date of enactment of this Act.

(3) PROVISIONS RELATING TO EXCLUSION FROM CHAPTER.—The amendments made by subsection (b) shall not apply to any former employee of the Board of Governors of the

Federal Reserve System who, subsequent to his or her last period of service as an employee of the Board of Governors of the Federal Reserve System and prior to the date of enactment of this Act, became subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, under the law in effect at the time of the individual's appointment.

SEC. 502. CERTAIN TRANSFERS TO BE TREATED AS A SEPARATION FROM SERVICE FOR PURPOSES OF THE THRIFT SAVINGS PLAN.

(a) AMENDMENTS TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting before section 8432 the following:

''§ 8431. Certain transfers to be treated as a separation

''(a) For purposes of this subchapter, separation from Government employment includes a transfer from a position that is subject to one of the retirement systems described in subsection (b) to a position that is not subject to any such system.

''(b) The retirement systems described in this subsection are—

''(1) the retirement system under this chapter;

''(2) the retirement system under subchapter III of chapter 83; and

''(3) any other retirement system under which individuals may contribute to the Thrift Savings Fund through withholdings from pay.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting before the item relating to section 8432 the following:

''8431. Certain transfers to be treated as a separation.''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 8351 of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8), and by adding at the end the following:

''(9) For the purpose of this section, separation from Government employment includes a transfer described in section 8431.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers occurring before, on, or after the date of enactment of this Act, except that, for purposes of applying such amendments with respect to any transfer occurring before such date of enactment, the date of such transfer shall be considered to be the date of enactment of this Act. The Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may prescribe any regulations necessary to carry out this subsection.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on the date of enactment of this Act.

ESTABLISHING A CHIEF AGRICULTURAL NEGOTIATOR

Mr. GRAMM. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 185 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 185) to establish a Chief Agricultural Negotiator in the Office of United States Trade Representative.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 185) was read the third time and passed, as follows:

S. 185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHIEF AGRICULTURAL NEGOTIATOR.

(a) ESTABLISHMENT OF A POSITION.—There is established the position of Chief Agricultural Negotiator in the Office of the United States Trade Representative. The Chief Agricultural Negotiator shall be appointed by the President, with the rank of Ambassador, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The primary function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to U.S. agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of U.S. agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.

(c) COMPENSATION.—The Chief Agricultural Negotiator shall be paid at the highest rate of basic pay payable to a member of the Senior Executive Service.

EXPORT APPLE ACT

Mr. GRAMM. Mr. President, I ask unanimous consent that H.R. 609 be discharged from the Banking Committee and, further, that the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 609) to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 609) was read the third time and passed.

OVERSEAS PRIVATE INVESTMENT CORPORATION REAUTHORIZATION

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 77, S. 688.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 688) to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 688) was read the third time and passed, as follows:

S. 688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF OPIC AUTHORITIES.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(A)(2)) is amended by striking ''1999'' and inserting ''2003''.

HONORING WALTER JERRY PAYTON

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 219, submitted earlier by Senators FITZGERALD, DURBIN, LOTT, COCHRAN, and HELMS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 219) recognizing and honoring Walter Jerry Payton and expressing the condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 219) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 219

Whereas Walter Payton was a hero, a leader, and a role model both on and off the field;

Whereas for 13 years, Walter Payton thrilled Chicago Bears' fans as the National Football League's (NFL's) all-time leading rusher—and as one of the greatest running backs ever to play the game—culminating with his induction into the Professional Football Hall of Fame;

Whereas after retiring from professional football in 1987, Payton continued to touch the lives of both his fellow Chicagoans and citizens of his native state of Mississippi, as a businessman and a community leader;

Whereas Walter Payton was born in 1954 to Mrs. Alyne Payton and the late Mr. Edward Payton, and his historic career began as a star running back at Columbia High School in his native hometown of Columbia, Mississippi, which he called ''a child's paradise.'' He went on to choose Jackson State University over 100 college offers, and to set nine

university football records, eventually scoring more points than any other football player in the history of the National Collegiate Athletic Association;

Whereas the first choice in the 1975 NFL draft, Payton—or ''Sweetness'' as he was known to his fans—became the NFL's all-time leader in running and combined net yards and scored 110 touchdowns during his career with the Bears;

Whereas Walter Payton made the Pro Bowl nine times and was named the league's Most Valuable Player twice, in 1977 and 1985;

Whereas in 1977, Payton rushed for a career-high 1,852 yards and carried the Bears to the playoffs for the first time since 1963;

Whereas Payton broke Jim Brown's long-standing record in 1984 to become the league's all-time leading rusher, and finished his career with a record 16,726 total rushing yards;

Whereas in 1985–86, Walter Payton led the Bears to an unforgettable 15–1 season and Super Bowl victory—the first and only Super Bowl win in Bears' history;

Whereas Payton was inducted into the Pro Football Hall of Fame in 1993, and was selected this year as the Greatest All-Time NFL Player by more than 200 players from the NFL Draft Class of 1999;

Whereas Walter Payton matched his accomplishments on the football field with his selfless actions off the field on behalf of those in need. He excelled academically as well as athletically, earning a degree in special education from Jackson State University in just three and one half years, and going on to undertake additional graduate study. Payton worked throughout his adult life to improve the lives of others through personal involvement with many charitable organizations. He was particularly active in working with children facing physical, mental, or economic challenges. In 1988, he established the Halas/Payton Foundation, which continues his legacy of community involvement to help educate Chicago's youth;

Whereas Walter Payton was a dedicated man of faith and principle, who, as a lifelong Baptist, was known for his deep reverence for God; and, as a gracious and selfless citizen, was a devoted father with sterling personal integrity and a warm sense of humor. Walter Payton will always be remembered as a true gentleman with a heart full of genuine and active concern for others;

Whereas Walter Payton was truly an American hero in every sense of the term;

Whereas the members of the Senate extend our deepest sympathies to Walter Payton's family and the host of friends that he had across the country; and

Whereas Walter Payton died tragically on November 1, 1999, at age 45, but his legacy will live in our hearts and minds forever: Now, therefore, be it

Resolved, That the Senate—

(1) hereby recognizes and honors Walter Jerry Payton

(A) as one of the greatest football players of all time; and

(B) for his many contributions to the Nation, especially to children, throughout his lifetime; and

(2) extends its deepest condolences to Walter Payton's wife, Connie; his two children, Jarrett and Brittney; his mother, Alyne; his brother, Eddie; his sister, Pam; and other members of his family.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3194, the D.C. appropriations bill. I further ask consent that a substitute amendment which is at the desk be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD. I further ask consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment (No. 2509) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The bill (H.R. 3194), as amended, was read the third time and passed.

The Presiding Officer (Mr. BROWNBACK) appointed Mrs. HUTCHISON, Mr. DOMENICI, Mr. STEVENS, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

ORDERS FOR THURSDAY, NOVEMBER 4, 1999

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, November 4. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany S. 900, the financial services modernization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAMM. For the information of all Senators, at 9:30 a.m. on Thursday, the Senate will immediately resume debate on the conference report to accompany the financial services modernization bill. At that point, Senator WELLSTONE will be recognized. He has an hour under the unanimous consent agreement. There are approximately 6 hours of debate remaining under the order. Therefore, Senators can expect a vote on the adoption of the conference report tomorrow afternoon.

I remind my colleagues of the ceremony to swear in the newest Member of the Senate, Senator Lincoln Chafee. I encourage all Senators to be in the Senate Chamber at 11:30 a.m. to give him a warm senatorial welcome.

For the rest of the day and week, the Senate may be ready to consider any available appropriations conference reports or may begin consideration of the bankruptcy reform bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRAMM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Thursday, November 4, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 3, 1999:

DEPARTMENT OF STATE

IRWIN BELK, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CAROL MOSELEY-BRAUN, OF ILLINOIS, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

EARL ANTHONY WAYNE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS), VICE ALAN PHILIP LARSON.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

RITA D. JENNINGS, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JO ANN ZEALL HOWD, OF VIRGINIA
JEAN ELIZABETH MANES, OF FLORIDA
CAROLYN A. SMITH, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

YVONNE ANNETTE BARBER, OF MARYLAND
JENNIFER N. M. COILE, OF WYOMING
J. JORIA-HOOPER, OF SOUTH CAROLINA
DEBRA L. SMOKER-ALI, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

CLAY ADLER, OF CALIFORNIA
PATRICIA AGUILERA, OF TEXAS
ROBERT H. ARBUCKLE, OF FLORIDA
DAVID ATKINSON, OF NEW MEXICO
MARY ALICE AUSTIN, OF MARYLAND
BUSHRA A. AZAD, OF MICHIGAN
DANA LYNN BANKS, OF PENNSYLVANIA
ALISON T. BARR, OF MONTANA
ALEXANDER LUCIAN BARRASSO, OF THE DISTRICT OF COLUMBIA
BRUCE W. BECK, OF VIRGINIA
JOSEPH J. BEDESSEM, OF VIRGINIA
SCOTT ANDREW BLOMQUIST, OF TEXAS
TOMEKAH L. BURL, OF ARKANSAS
SITA LIAN CHAKRAWARTI, OF MISSOURI
YAN CHANG, OF GEORGIA
MIKAEL CLEVERLY, OF CALIFORNIA
DAVID N. COHEN, OF THE DISTRICT OF COLUMBIA
KIA JEANNINE COLEMAN, OF MARYLAND
CRAIG M. CONWAY, OF NEVADA
ELIZABETH DETTER, OF MARYLAND
LILLIAN GERMAINE DEVALCOURT, OF THE DISTRICT OF COLUMBIA
CYNTHIA A. EBEID, OF THE DISTRICT OF COLUMBIA
DANIEL J. FENNELL, OF PENNSYLVANIA
NICOLAS ANTOINE FETCHKO, OF THE DISTRICT OF COLUMBIA
STEPHEN T. FRAHM, OF UTAH
ANN E. GABRIELSON, OF MINNESOTA
KENDRA LEANN GAITHER, OF VIRGINIA
VIRGINIA TUTTRUP GEORGE, OF ILLINOIS
BRIDGET F. GERSTEN, OF ARIZONA
RICHARD H. GLENN, OF CALIFORNIA
STEPHEN PAUL GOLDRUP, OF VIRGINIA
EMMA D. GORDON, OF VIRGINIA
JOHN GORKOWSKI, OF VIRGINIA
CHRISTOPHER LEE GREEN, OF TEXAS
CYNTHIA GREGG, OF ALABAMA
JASON BAIRD GRUBB, OF VIRGINIA
HENRY HAGGARD, OF WASHINGTON
CRAIG L HALL, OF FLORIDA
MORGAN C. HALL, OF NEW YORK
DANIEL O'CONNELL HAMILTON, OF MISSOURI
JULIA HARLAN, OF INDIANA
ANDREW L. HARROP, OF VIRGINIA

IDA EVE HECKENBACH, OF LOUISIANA
PATRICK WYNTERS HORNBUCKLE, OF NEW YORK
DARREN WILLIAM HULTMAN, OF CALIFORNIA
DEBRA IRENE JOHNSON, OF VIRGINIA
RONALD ANGELO JOHNSON, OF TEXAS
DARRAGH THERESA JONES, OF OREGON
MATTHEW E. KEENE, OF PENNSYLVANIA
MARTIN T. KELLY, OF MARYLAND
STEVEN JAY LABENSKY, OF ARIZONA
JAMES GORDON LAND, OF FLORIDA
CYNTHIA S. LAWRENCE, OF VIRGINIA
CLAIRE LE CLAIRE, OF MINNESOTA
NANCY W. LEOU, OF CALIFORNIA
CHRISTOPHER M. LIVACCARI, OF NEW YORK
VICTORIA CATHERINE MALZONE, OF MASSACHUSETTS
ASHLY ALLEN MAPLES, OF TEXAS
DARRYN A. MARTIN, OF OHIO
JOHN MC INTYRE, OF MISSOURI
DAVID MICHAEL MERON, OF FLORIDA
EMILY MESTETSKY, OF NEW JERSEY
JOSEPH B. MOLES III, OF VIRGINIA
MITCHELL ROLAND MOSS, OF TEXAS
CARLA MUDGETT, OF VERMONT
PERLITA W. MUIRURI, OF VIRGINIA
ADRIENNE B. NUTZMAN, OF TEXAS
CYNTHIA S. O'CONNELL, OF VIRGINIA
ORLA J. O'CONNOR, OF NEW YORK
KEVIN LAWRENCE OLBRYSH, OF THE DISTRICT OF COLUMBIA
CHARLES R. OLIVER, OF VIRGINIA
ROBERT J. PALLADINO, JR., OF FLORIDA
JOHN BENTON PARKER, OF FLORIDA
SUSAN PARKER-BURNS, OF MASSACHUSETTS
MONICA ANN PATAKI, OF CALIFORNIA
LEE PERNA, OF VIRGINIA
LISA J. PITTMAN, OF CALIFORNIA
MARK N. PLANTY, OF VIRGINIA
WILLIAM WAYNE POPP, OF VIRGINIA
PAMELA SPIRITO PORTER, OF VIRGINIA
ROBERT G. PORTER, OF VIRGINIA
JONATHAN PETER POST, OF CALIFORNIA
JONATHAN GOODALE PRATT, OF CALIFORNIA
ERWIN A. QUIROGA, OF VIRGINIA
LUCIA RAWLS, OF VIRGINIA
JOHN MICHAEL REITMAN, OF TEXAS
CORY L. REPP, OF VIRGINIA
DANIEL J. RICCI, OF CALIFORNIA
HOWARD G. RICHARDS, OF VIRGINIA
LEIGH A. RIEDER, OF VIRGINIA
BRUCE L. ROBERT, JR., OF VIRGINIA
CHRISTOPHER M. ROSSOMONDO, OF VIRGINIA
ANNE B. SEATOR, OF VIRGINIA
SUZANNE A. SHELDON, OF NEW HAMPSHIRE
IAN MARK SHERIDAN, OF THE DISTRICT OF COLUMBIA
SHELBY V.V. SMITH, OF VIRGINIA
TIMOTHY LYLE SMITH, OF MICHIGAN
TRACY ALLEN SMITH, OF VIRGINIA
KATHI A. SOHN, OF MARYLAND
KATHRYN ALLENE TAYLOR, OF NORTH CAROLINA
CHRISTOPHER TEAL, OF MARYLAND
DAVID JONATHAN TESSLER, OF NEW YORK
CELESTE M. THOMAS, OF VIRGINIA
GRACE H. TUNG, OF MARYLAND
EDWARD R. TUSKENIS, OF ILLINOIS
MICHELLE MARIE ULRICH, OF NEW YORK
INGRID VALTIN, OF THE DISTRICT OF COLUMBIA
JANA L. VONFELDT, OF MINNESOTA
LISA M. WALKER, OF NEW HAMPSHIRE
ERIC WATNIK, OF CALIFORNIA
MICAH L. WATSON, OF MARYLAND
HANS F. WECHSEL, OF IDAHO
DANIEL R. WENDELL, OF PENNSYLVANIA
DAVID NATHANIEL GARTLAND WHITING, OF SOUTH DAKOTA
FRANK JOSEPH WIERICHS, III, OF FLORIDA
DANA RENEE WILLIAMS, OF TEXAS
MICHAEL J. WILLIAMS, OF VIRGINIA
MICHELLE ELIZABETH WOLLAM, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE OCTOBER 11, 1998:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF MERICA, CLASS OF COUNSELOR:

CAROL LYNN DORSEY, OF TEXAS

DEPARTMENT OF STATE

REVIUS O. ORTIQUE, JR., OF LOUISIANA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

BOBBY L. ROBERTS, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2003. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

MICHAEL G. ROSSMANN, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006, VICE EVE L. MENGER.

DANIEL SIMBERLOFF, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006, VICE SANFORD D. GREENBERG.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ALAN G. LACKEY, 0000
RITA A. PRICE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KARL G. HARTENSTINE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LYNNE M. HICKS, 0000

To be commander

ROGER R. BOUCHER, 0000

To be lieutenant commander

KERWIN J. LEFRERE, 0000
TROY D. TERRONEZ, 0000
WILLIAM D. WATSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN R. DALY, JR., 0000